



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2005 REGULAR SESSION

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SENATE BILL NO. 47

Volume 1 of 4

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WEDNESDAY, FEBRUARY 9, 2005

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The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED  
DATE March 16, 2005  
5:02 pm  
\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

AN ACT relating to reorganization.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

1       Section 1. KRS 11.065 is amended to read as follows:

2       (1) The secretaries of the Justice Cabinet, the Education, Arts, and Humanities Cabinet,  
3       the Natural Resources and Environmental Protection Cabinet, the Transportation  
4       Cabinet, the Cabinet for Economic Development, the Public Protection and  
5       Regulation Cabinet, the Cabinet for Health and Family Services~~[, the Cabinet for~~  
6       ~~Families and Children]~~, the Finance and Administration Cabinet, the Revenue  
7       Cabinet, the Tourism Development Cabinet, the Labor Cabinet, the Personnel  
8       Cabinet, the Governor's Executive Cabinet, the state budget director, the Governor's  
9       chief of staff, and the Lieutenant Governor shall constitute the Governor's Executive  
10      Cabinet. There shall be a vice chairman appointed by the Governor who shall serve  
11      in an advisory capacity to the Executive Cabinet. The Governor shall be the  
12      chairman, and the secretary of the Finance and Administration Cabinet shall be a  
13      second vice chairman of the Executive Cabinet. The Governor may designate others  
14      to serve as vice chairman.

15      (2) The cabinet shall meet not less than once every two (2) months and at other times  
16      on call of the Governor. The Executive Cabinet shall be a part of the Office of the  
17      Governor and shall not constitute a separate department or agency of the state.  
18      Members of the cabinet shall be the major assistants to the Governor in the  
19      administration of the state government and shall assist the Governor in the proper  
20      operation of his office and perform other duties the Governor may require of them.

21      (3) The cabinet shall consider matters involving policies and procedures the Governor  
22      or any member may place before it. The cabinet shall advise and consult with the  
23      Governor on all matters affecting the welfare of the state.

24      Section 2. KRS 11.182 is amended to read as follows:

25      (1) The membership of the commission shall consist of forty-seven (47)~~[forty-eight~~

(48)] members who have the resources to accomplish the goals set forth in Kentucky's Appalachian Development Plan created under KRS 11.180(1).

(a) Ex-officio members shall be: the Governor; secretary of the Governor's Executive Cabinet; secretary of the Cabinet for Economic Development; secretary of the Transportation Cabinet; secretary of the Natural Resources and Environmental Protection Cabinet; secretary of the Tourism Development Cabinet; ~~secretary of the Cabinet for Families and Children;~~ secretary of the Cabinet for Health and Family Services; secretary of the Cabinet for Workforce Development; secretary of the Education, Arts, and Humanities Cabinet; commissioner of the Department of Agriculture; president of the Council on Postsecondary Education; president of the Kentucky Community and Technical College System; commissioner of the Department of Education; commissioner of the Department for Local Government; executive director of the Kentucky Housing Corporation; Governor's alternate to the Appalachian Regional Commission; president of Morehead State University; executive director of the University of Kentucky Appalachian Center; director of the Center for Kentucky Rural Economic Development; state director of Rural Development of the United States Department of Agriculture; executive director of the East Kentucky Corporation; chair of the Kentucky Appalachian Advisory Council's steering committee; and two (2) vice chairs of the Kentucky Appalachian Advisory Council's Steering Committee.

(b) Members appointed by the Governor shall be:

1. A county judge/executive, mayor, executive director of an area development district, president of a community college, member of the House of Representatives, member of the Senate, and member of the state's judicial branch, all of whom shall be currently serving in the Appalachian region of the Commonwealth. The members who are a

1 representative, a senator, and a representative of the judicial branch shall  
 2 serve in a nonvoting capacity;

3 2. Nine (9) at-large members; and

4 3. One (1) member representing the Community Action Agencies of  
 5 Appalachian Kentucky.

6 (c) Members appointed by and representing certain entities shall be: two (2)  
 7 members of the Kentucky Appalachian Advisory Council; one (1) member of  
 8 the University of Kentucky Office of Management and Budget; one (1)  
 9 member from the Christian Appalachian Project; one (1) member appointed  
 10 by the United States Representative from the Fifth Congressional District; and  
 11 one (1) member appointed by the East Kentucky Leadership Foundation's  
 12 board of directors.

13 (2) Members listed in subsection (1)(a) and (b)1. of this section shall serve during their  
 14 terms of office or appointment. Members listed in subsection (1)(b)2., (1)(b)3., and  
 15 (1)(c) of this section shall serve four (4) year staggered terms and may be  
 16 reappointed.

17 (3) Members of the commission who are not state employees shall receive  
 18 reimbursement for actual and necessary expenses incurred in the performance of  
 19 their duties.

20 (4) Each member of the commission may designate in writing over his signature an  
 21 alternate with full authority, in the absence of the designating member for any  
 22 reason, to attend any properly convened meeting of the commission and to  
 23 participate in the consideration of any business and transactions of the commission.  
 24 Any designation of an alternate may, in the discretion of the designating member, be  
 25 limited to be effective only for a designated meeting or only for specified business.  
 26 An alternate shall not be entitled to vote upon any business or transactions of the  
 27 commission.



1       Section 3. KRS 11.501 is amended to read as follows:

2       The General Assembly finds and declares that:

3       (1) The establishment of the position of the Chief Information Officer as the  
4       Commonwealth's single point of contact and spokesperson for all matters related to  
5       information technology and resources, including policies, standard setting,  
6       deployment, strategic and tactical planning, acquisition, management, and  
7       operations is necessary and in keeping with the industry trends of the private and  
8       public sectors;

9       (2) The appropriate use of information technology by the Commonwealth can improve  
10       operational productivity, reduce the cost of government, enhance service to  
11       customers, and make government more accessible to the public;

12       (3) Government-wide planning, investment, protection, and direction for information  
13       resources must be enacted to:

14       (a) Ensure the effective application of information technology on state business  
15       operations;

16       (b) Ensure the quality, security, and integrity of state business operations; and

17       (c) Provide privacy to the citizens of the Commonwealth;

18       (4) The Commonwealth must provide information technology infrastructure, technical  
19       directions, and a proficient organizational management structure to facilitate the  
20       productive application of information technology and resources to accomplish  
21       programmatic missions and business goals;

22       (5) Oversight of large scale and government statewide systems or projects is necessary  
23       to protect the Commonwealth's investment and to ensure appropriate integration  
24       with existing or planned systems;

25       (6) A career development plan and professional development program for information  
26       technology staff of the executive branch is needed to provide key competencies and  
27       adequate on-going support for the information resources of the Commonwealth and

1 to ensure that the information technology staff will be managed as a  
 2 Commonwealth resource;

3 (7) The Commonwealth is in need of information technology advisory capacities to the  
 4 Governor and the agencies of the executive cabinet;

5 (8) Appropriate public-private partnerships to supplement existing resources must be  
 6 developed as a strategy for the Commonwealth to comprehensively meet its  
 7 spectrum of information technology and resource needs;

8 (9) Technological and theoretical advances in information use are recent in origin,  
 9 immense in scope and complexity, and change at a rapid rate, which presents  
 10 Kentucky with the opportunity to provide higher quality, more timely, and more  
 11 cost-effective government services to ensure standardization, interoperability, and  
 12 interconnectivity;

13 (10) The sharing of information resources and technologies among executive branch  
 14 state agencies is the most cost-effective method of providing the highest quality and  
 15 most timely government services that would otherwise be cost-prohibitive;

16 (11) The ability to identify, develop, and implement changes in a rapidly moving field  
 17 demands the development of mechanisms to provide for the research and  
 18 development of technologies that address systems, uses, and applications; and

19 (12) The exercise by the chief information officer of powers and authority conferred by  
 20 KRS 11.501 to 11.517, 45.253, 171.420, 186A.040, 186A.285, and Section 32 of  
 21 this Act~~[194B.102]~~ shall be deemed and held to be the performance of essential  
 22 governmental functions.

23 Section 4. KRS 11.507 is amended to read as follows:

24 (1) The roles and duties of the Governor's Office for Technology shall include but not  
 25 be limited to:

26 (a) Providing technical support and services to all executive agencies of state  
 27 government in the application of information technology;

- 1 (b) Assuring compatibility and connectivity of Kentucky's information systems;
- 2 (c) Developing strategies and policies to support and promote the effective  
3 applications of information technology within state government as a means of  
4 saving money, increasing employee productivity, and improving state services  
5 to the public, including electronic public access to information of the  
6 Commonwealth;
- 7 (d) Developing, implementing, and managing strategic information technology  
8 directions, standards, and enterprise architecture, including implementing  
9 necessary management processes to assure full compliance with those  
10 directions, standards, and architecture. This specifically includes, but is not  
11 limited to, directions, standards, and architecture related to the privacy and  
12 confidentiality of data collected and stored by state agencies;
- 13 (e) Promoting effective and efficient design and operation of all major  
14 information resources management processes for executive branch agencies,  
15 including improvements to work processes;
- 16 (f) Developing, implementing, and maintaining the technology infrastructure of  
17 the Commonwealth;
- 18 (g) Facilitating and fostering applied research in emerging technologies that offer  
19 the Commonwealth innovative business solutions;
- 20 (h) Reviewing and overseeing large or complex information technology projects  
21 and systems for compliance with statewide strategies, policies, and standards,  
22 including alignment with the Commonwealth's business goals, investment,  
23 and other risk management policies. The chief information officer is  
24 authorized to grant or withhold approval to initiate these projects;
- 25 (i) Integrating information technology resources to provide effective and  
26 supportable information technology applications in the Commonwealth;
- 27 (j) Establishing a central statewide geographic information clearinghouse to

- 1 maintain map inventories, information on current and planned geographic  
2 information systems applications, information on grants available for the  
3 acquisition or enhancement of geographic information resources, and a  
4 directory of geographic information resources available within the state or  
5 from the federal government;
- 6 (k) Coordinating multiagency information technology projects, including  
7 overseeing the development and maintenance of statewide base maps and  
8 geographic information systems;
- 9 (l) Providing access to both consulting and technical assistance, and education  
10 and training, on the application and use of information technologies to state  
11 and local agencies;
- 12 (m) In cooperation with other agencies, evaluating, participating in pilot studies,  
13 and making recommendations on information technology hardware and  
14 software;
- 15 (n) Providing staff support and technical assistance to the Geographic Information  
16 Advisory Council, the Kentucky Information Technology Advisory Council,  
17 and the Commercial Mobile Radio Service Emergency Telecommunications  
18 Board of Kentucky; and
- 19 (o) Preparing proposed legislation and funding proposals for the General  
20 Assembly that will further solidify coordination and expedite implementation  
21 of information technology systems.
- 22 (2) The Governor's Office for Technology may:
- 23 (a) Provide general consulting services, technical training, and support for generic  
24 software applications, upon request from a local government, if the chief  
25 information officer finds that the requested services can be rendered within  
26 the established terms of the federally approved cost allocation plan;
- 27 (b) Promulgate administrative regulations in accordance with KRS Chapter 13A

1 necessary for the implementation of KRS 11.501 to 11.517, 45.253, 171.420,  
 2 186A.040, 186A.285, and Section 32 of this Act~~[194B.102]~~;

3 (c) Solicit, receive, and consider proposals from any state agency, federal agency,  
 4 local government, university, nonprofit organization, private person, or  
 5 corporation;

6 (d) Solicit and accept money by grant, gift, donation, bequest, legislative  
 7 appropriation, or other conveyance to be held, used, and applied in accordance  
 8 with KRS 11.501 to 11.517, 45.253, 171.420, 186A.040, 186A.285, and  
 9 Section 32 of this Act~~[194B.102]~~;

10 (e) Make and enter into memoranda of agreement and contracts necessary or  
 11 incidental to the performance of duties and execution of its powers, including,  
 12 but not limited to, agreements or contracts with the United States, other state  
 13 agencies, and any governmental subdivision of the Commonwealth;

14 (f) Accept grants from the United States government and its agencies and  
 15 instrumentalities, and from any source, other than any person, firm, or  
 16 corporation, or any director, officer, or agent thereof that manufactures or sells  
 17 information resources technology equipment, goods, or services. To these  
 18 ends, the Governor's Office for Technology shall have the power to comply  
 19 with those conditions and execute those agreements that are necessary,  
 20 convenient, or desirable; and

21 (g) Purchase interest in contractual services, rentals of all types, supplies,  
 22 materials, equipment, and other services to be used in the research and  
 23 development of beneficial applications of information resources technologies.  
 24 Competitive bids may not be required for:

- 25 1. New and emerging technologies as approved by the chief information
- 26 officer or her or his designee; or
- 27 2. Related professional, technical, or scientific services, but contracts shall

1 be submitted in accordance with KRS 45A.690 to 45A.725.

2 (3) Nothing in this section shall be construed to alter or diminish the provisions of KRS  
3 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and  
4 Records Commission and the Department for Libraries and Archives.

5 Section 5. KRS 11.509 is amended to read as follows:

6 (1) To accomplish the work of the Governor's Office for Technology, all organizational  
7 units and administrative bodies, as defined in KRS 12.010, and all members of the  
8 state postsecondary education system, as defined in KRS 164.001, shall furnish the  
9 Governor's Office for Technology necessary assistance, resources, information,  
10 records, and advice as required.

11 (2) The provisions of KRS 11.501 to 11.517, 45.253, 171.420, 186A.040, 186A.285,  
12 and **Section 32 of this Act**~~[194B.102]~~ shall not be construed to grant any authority  
13 over the judicial or legislative branches of state government, or agencies thereof, to  
14 the Governor's Office for Technology.

15 (3) The information, technology, personnel, agency resources, and confidential records  
16 of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement  
17 System shall be excluded from the provisions of KRS 11.501 to 11.517, 45.253,  
18 171.420, 186A.040, 186A.285, and **Section 32 of this Act**~~[194B.102]~~ and shall not  
19 be under the authority of the Governor's Office for Technology.

20 Section 6. KRS 11.515 is amended to read as follows:

21 (1) There is hereby established a Geographic Information Advisory Council to advise  
22 the chief information officer on issues relating to geographic information and  
23 geographic information systems.

24 (2) The council shall establish and adopt policies and procedures that assist state and  
25 local jurisdictions in developing, deploying, and leveraging geographic information  
26 resources and geographic information systems technology for the purpose of  
27 improving public administration.

1 (3) The council shall closely coordinate with users of geographic information systems  
 2 to establish policies and procedures that insure the maximum use of geographic  
 3 information by minimizing the redundancy of geographic information and  
 4 geographic information resources.

5 (4) The Geographic Information Advisory Council shall consist of twenty-five  
 6 (25)~~twenty-six (26)~~ members and one (1) legislative liaison. The members shall be  
 7 knowledgeable in the use and application of geographic information systems  
 8 technology and shall have sufficient authority within their organizations to influence  
 9 the implementation of council recommendations.

10 (a) The council shall consist of:

- 11 1. The secretary of the Transportation Cabinet or his designee;
- 12 2. The secretary~~secretaries~~ of the Cabinet for Health and Family  
 13 Services~~and of the Cabinet for Families and Children~~ or his or her  
 14 designee~~their designees~~;
- 15 3. The director of the Kentucky Geological Survey or his designee;
- 16 4. The secretary of the Revenue Cabinet or his designee;
- 17 5. The chief information officer or her or his designee;
- 18 6. The secretary of the Economic Development Cabinet or his designee;
- 19 7. The commissioner of the Department for Local Government or his  
 20 designee;
- 21 8. The secretary of the Justice Cabinet or his designee;
- 22 9. One (1) member appointed by the Governor from a list of three (3)  
 23 persons submitted by the president of the Council on Postsecondary  
 24 Education;
- 25 10. The adjutant general of the Department of Military Affairs or his  
 26 designee;
- 27 11. The commissioner of the Department of Education or his designee;

- 1           12. The secretary of the Natural Resources and Environmental Protection  
2           Cabinet or his designee;
- 3           13. The Commissioner of the Department of Agriculture or his designee;
- 4           14. The secretary of the Public Protection and Regulation Cabinet or his  
5           designee;
- 6           15. The secretary of the Tourism Development Cabinet or his designee;
- 7           16. Two (2) members appointed by the Governor from a list of six (6)  
8           persons submitted by the president of the Kentucky League of Cities;
- 9           17. Two (2) members appointed by the Governor from a list of six (6)  
10          persons submitted by the president of the Kentucky Association of  
11          Counties;
- 12          18. One (1) member appointed by the Governor from a list of three (3)  
13          persons submitted by the president of the Kentucky Chapter of the  
14          American Planning Association;
- 15          19. One (1) member appointed by the Governor from a list of three (3)  
16          persons submitted by the president of the Kentucky Chamber of  
17          Commerce;
- 18          20. One (1) member appointed by the Governor from a list of three (3)  
19          persons submitted by the president of the Kentucky Association of Land  
20          Surveyors;
- 21          21. One (1) member appointed by the Governor from a list of three (3)  
22          persons submitted by the president of the Kentucky Society of  
23          Professional Engineers;
- 24          22. One (1) member appointed by the Governor from a list of three (3)  
25          persons submitted by the chairman of the Kentucky Board of Registered  
26          Geologists; and
- 27          23. One (1) member appointed by the Governor from a list of three (3)



1 persons submitted by the president of the Council of Area Development  
2 Districts.

3 (b) The council shall have one (1) nonvoting legislative liaison, to be appointed  
4 by the Legislative Research Commission.

5 (5) The council shall select from its membership a chairman and any other officers it  
6 considers essential. The council may have committees and subcommittees as  
7 determined by the council or an executive committee, if an executive committee  
8 exists.

9 (6) A member of the council shall not:

10 (a) Be an officer, employee, or paid consultant of a business entity that has, or of  
11 a trade association for business entities that have, a substantial interest in the  
12 geographic information industry and is doing business in the Commonwealth;

13 (b) Own, control, or have, directly or indirectly, more than ten percent (10%)  
14 interest in a business entity that has a substantial interest in the geographic  
15 information industry;

16 (c) Be in any manner connected with any contract or bid for furnishing any  
17 governmental body of the Commonwealth with geographic information  
18 systems, the computers on which they are automated, or a service related to  
19 geographic information systems;

20 (d) Be a person required to register as a lobbyist because of activities for  
21 compensation on behalf of a business entity that has, or on behalf of a trade  
22 association of business entities that have, substantial interest in the geographic  
23 information industry;

24 (e) Accept or receive money or another thing of value from an individual, firm, or  
25 corporation to whom a contract may be awarded, directly or indirectly, by  
26 rebate, gift, or otherwise; or

27 (f) Be liable to civil action or any action performed in good faith in the

1 performance of duties as a council member.

2 (7) Those council members specified in subsection (4)(a) of this section who serve by  
3 virtue of an office shall serve on the council while they hold that office.

4 (8) Appointed members of the council shall serve for a term of four (4) years.  
5 Vacancies in the membership of the council shall be filled in the same manner as  
6 the original appointments. If a nominating organization changes its name, its  
7 successor organization having the same responsibilities and purposes shall be the  
8 nominating organization.

9 (9) The council shall have no funds of its own, and council members shall not receive  
10 compensation of any kind from the council.

11 (10) A majority of the members shall constitute a quorum for the transaction of business.  
12 Members' designees shall have voting privileges at council meetings.

13 Section 7. KRS 12.020 is amended to read as follows:

14 Departments, program cabinets and their departments, and the respective major  
15 administrative bodies that they include are enumerated in this section. It is not intended  
16 that this enumeration of administrative bodies be all-inclusive. Every authority, board,  
17 bureau, interstate compact, commission, committee, conference, council, office, or any  
18 other form of organization shall be included in or attached to the department or program  
19 cabinet in which they are included or to which they are attached by statute or statutorily  
20 authorized executive order; except in the case of the Personnel Board and where the  
21 attached department or administrative body is headed by a constitutionally elected officer,  
22 the attachment shall be solely for the purpose of dissemination of information and  
23 coordination of activities and shall not include any authority over the functions,  
24 personnel, funds, equipment, facilities, or records of the department or administrative  
25 body.

26 I. Cabinet for General Government - Departments headed by elected officers:

27 1. The Governor.

- 1           2.    Lieutenant Governor.
- 2           3.    Department of State.
- 3               (a)   Secretary of State.
- 4               (b)   Board of Elections.
- 5               (c)   Registry of Election Finance.
- 6           4.    Department of Law.
- 7               (a)   Attorney General.
- 8           5.    Department of the Treasury.
- 9               (a)   Treasurer.
- 10          6.    Department of Agriculture.
- 11               (a)   Commissioner of Agriculture.
- 12               (b)   Kentucky Council on Agriculture.
- 13          7.    Auditor of Public Accounts.
- 14    II.   Program cabinets headed by appointed officers:
- 15          1.    Justice Cabinet:
- 16               (a)   Department of State Police.
- 17               (b)   Department of Criminal Justice Training.
- 18               (c)   Department of Corrections.
- 19               (d)   Department of Juvenile Justice.
- 20               (e)   Office of the Secretary.
- 21               (f)   Offices of the Deputy Secretaries.
- 22               (g)   Office of General Counsel.
- 23               (h)   Division of Kentucky State Medical Examiners Office.
- 24               (i)   Parole Board.
- 25               (j)   Kentucky State Corrections Commission.
- 26               (k)   Commission on Correction and Community Service.
- 27          2.    Education, Arts, and Humanities Cabinet:

- 1 (a) Department of Education.
- 2 (1) Kentucky Board of Education.
- 3 (b) Department for Libraries and Archives.
- 4 (c) Kentucky Arts Council.
- 5 (d) Kentucky Educational Television.
- 6 (e) Kentucky Historical Society.
- 7 (f) Kentucky Teachers' Retirement System Board of Trustees.
- 8 (g) Kentucky Center for the Arts.
- 9 (h) Kentucky Craft Marketing Program.
- 10 (i) Kentucky Commission on the Deaf and Hard of Hearing.
- 11 (j) Governor's Scholars Program.
- 12 (k) Governor's School for the Arts.
- 13 (l) Operations and Development Office.
- 14 (m) Kentucky Heritage Council.
- 15 (n) Kentucky African-American Heritage Commission.
- 16 (o) Board of Directors for the Center for School Safety.
- 17 3. Natural Resources and Environmental Protection Cabinet:
- 18 (a) Environmental Quality Commission.
- 19 (b) Kentucky Nature Preserves Commission.
- 20 (c) Department for Environmental Protection.
- 21 (d) Department for Natural Resources.
- 22 (e) Department for Surface Mining Reclamation and Enforcement.
- 23 (f) Office of Legal Services.
- 24 (g) Office of Information Services.
- 25 (h) Office of Inspector General.
- 26 4. Transportation Cabinet:
- 27 (a) Department of Highways.

1. Office of Program Planning and Management.
2. Office of Project Development.
3. Office of Construction and Operations.
4. Office of Intermodal Programs.
5. Highway District Offices One through Twelve.
- (b) Department of Vehicle Regulation.
- (c) Department of Administrative Services.
- (d) Department of Fiscal Management.
- (e) Department of Rural and Municipal Aid.
- (f) Department of Human Resources Management.
- (g) Office of the Secretary.
- (h) Office of General Counsel and Legislative Affairs.
- (i) Office of Public Affairs.
- (j) Office of Transportation Delivery.
- (k) Office of Minority Affairs.
- (l) Office of Policy and Budget.
- (m) Office of Technology.
- (n) Office of Quality.
- (o) Office of the Transportation Operations Center.
5. Cabinet for Economic Development:
  - (a) Department of Administration and Support.
  - (b) Department for Business Development.
  - (c) Department of Financial Incentives.
  - (d) Department of Community Development.
  - (e) Department for Regional Development.
  - (f) Tobacco Research Board.
  - (g) Kentucky Economic Development Finance Authority.

1        6.    Environmental and Public Protection Cabinet:

- 2            (a)    Public Service Commission.
- 3            (b)    Department of Insurance.
- 4            (c)    Department of Housing, Buildings and Construction.
- 5            (d)    Department of Financial Institutions.
- 6            (e)    Department of Mines and Minerals.
- 7            (f)    Department of Public Advocacy.
- 8            (g)    Department of Alcoholic Beverage Control.
- 9            (h)    Kentucky Horse Racing Authority.
- 10          (i)    Board of Claims.
- 11          (j)    Crime Victims Compensation Board.
- 12          (k)    Kentucky Board of Tax Appeals.
- 13          (l)    Office of Petroleum Storage Tank Environmental Assurance Fund.
- 14          (m)    Department of Charitable Gaming.
- 15          (n)    Mine Safety Review Commission.

16        7. ~~Cabinet for Families and Children:~~

- 17            ~~(a)    Department for Community Based Services.~~
- 18            ~~(b)    Department for Disability Determination Services.~~
- 19            ~~(c)    Public Assistance Appeals Board.~~
- 20            ~~(d)    Office of the Secretary.~~
- 21            ~~(1)    Kentucky Commission on Community Volunteerism and Service.~~
- 22            ~~(e)    Office of the General Counsel.~~
- 23            ~~(f)    Office of Program Support.~~
- 24            ~~(g)    Office of Family Resource and Youth Services Centers.~~
- 25            ~~(h)    Office of Technology Services.~~
- 26            ~~(i)    Office of the Ombudsman.~~
- 27            ~~(j)    Office of Human Resource Management.~~

8. Cabinet for Health ***and Family*** Services.

- (a) Department for Public Health.
- (b) Department for Medicaid Services.
- (c) Department for Mental Health and Mental Retardation Services.
- (d) Kentucky Commission ~~for~~ Children with Special Health Care Needs.
- (e) Office of Certificate of Need.
- (f) Office of the Secretary.
- (g) Office of ***Legal Services*** ~~[the General Counsel]~~.
- (h) Office of ~~the~~ Inspector General.
- (i) Office of ***Legislative and Public Affairs*** ~~[Aging Services]~~.
- (j) Department for Community Based Services.***
- (k) Department for Disability Determination Services.***
- (l) Office of the Ombudsman.***
- (m) Department for Human Support Services.***
- (n) Kentucky Commission on Community Volunteerism and Service.***
- (o) Office of Fiscal Services.***
- (p) Office of Human Resource Management.***
- (q) Office of Technology.***
- (r) Office of Contract Oversight.***

8. ~~9.~~ Finance and Administration Cabinet:

- (a) Office of Financial Management.
- (b) Office of the Controller.
- (c) Department for Administration.
- (d) Department of Facilities Management.
- (e) State Property and Buildings Commission.
- (f) Kentucky Pollution Abatement Authority.

- 1 (g) Kentucky Savings Bond Authority.
- 2 (h) Deferred Compensation Systems.
- 3 (i) Office of Equal Employment Opportunity Contract Compliance.
- 4 (j) Office of Capital Plaza Operations.
- 5 (k) County Officials Compensation Board.
- 6 (l) Kentucky Employees Retirement Systems.
- 7 (m) Commonwealth Credit Union.
- 8 (n) State Investment Commission.
- 9 (o) Kentucky Housing Corporation.
- 10 (p) Governmental Services Center.
- 11 (q) Kentucky Local Correctional Facilities Construction Authority.
- 12 (r) Kentucky Turnpike Authority.
- 13 (s) Historic Properties Advisory Commission.
- 14 (t) Kentucky Tobacco Settlement Trust Corporation.
- 15 (u) Eastern Kentucky Exposition Center Corporation.
- 16 (v) State Board for Proprietary Education.
- 17 ~~2.10.~~ Labor Cabinet:
  - 18 (a) Department of Workplace Standards.
  - 19 (b) Department of Workers' Claims.
  - 20 (c) Kentucky Labor-Management Advisory Council.
  - 21 (d) Occupational Safety and Health Standards Board.
  - 22 (e) Prevailing Wage Review Board.
  - 23 (f) Workers' Compensation Board.
  - 24 (g) Kentucky Employees Insurance Association.
  - 25 (h) Apprenticeship and Training Council.
  - 26 (i) State Labor Relations Board.
  - 27 (j) Kentucky Occupational Safety and Health Review Commission.



- 1 (k) Office of Administrative Services.
- 2 (l) Office of Information Technology.
- 3 (m) Office of Labor-Management Relations and Mediation.
- 4 (n) Office of General Counsel.
- 5 (o) Workers' Compensation Funding Commission.
- 6 (p) Employers Mutual Insurance Authority.
- 7 10.~~[11.]~~ Revenue Cabinet:
- 8 (a) Department of Property Valuation.
- 9 (b) Department of Tax Administration.
- 10 (c) Office of Financial and Administrative Services.
- 11 (d) Department of Law.
- 12 (e) Department of Information Technology.
- 13 (f) Office of Taxpayer Ombudsman.
- 14 11.~~[12.]~~ Tourism Development Cabinet:
- 15 (a) Department of Travel.
- 16 (b) Department of Parks.
- 17 (c) Department of Fish and Wildlife Resources.
- 18 (d) Kentucky Horse Park Commission.
- 19 (e) State Fair Board.
- 20 (f) Office of Administrative Services.
- 21 (g) Office of General Counsel.
- 22 (h) Tourism Development Finance Authority.
- 23 12.~~[13.]~~ Cabinet for Workforce Development:
- 24 (a) Department for Adult Education and Literacy.
- 25 (b) Department for Technical Education.
- 26 (c) Department of Vocational Rehabilitation.
- 27 (d) Department for the Blind.

- 1 (e) Department for Employment Services.
- 2 (f) Kentucky Technical Education Personnel Board.
- 3 (g) The Foundation for Adult Education.
- 4 (h) Department for Training and Reemployment.
- 5 (i) Office of General Counsel.
- 6 (j) Office of Communication Services.
- 7 (k) Office of Workforce Partnerships.
- 8 (l) Office of Workforce Analysis and Research.
- 9 (m) Office of Budget and Administrative Services.
- 10 (n) Office of Technology Services.
- 11 (o) Office of Quality and Human Resources.
- 12 (p) Unemployment Insurance Commission.
- 13 ~~13.~~~~14.~~ Personnel Cabinet:
- 14 (a) Office of Administrative and Legal Services.
- 15 (b) Department for Personnel Administration.
- 16 (c) Department for Employee Relations.
- 17 (d) Kentucky Public Employees Deferred Compensation Authority.
- 18 (e) Kentucky Kare.
- 19 (f) Division of Performance Management.
- 20 (g) Division of Employee Records.
- 21 (h) Division of Staffing Services.
- 22 (i) Division of Classification and Compensation.
- 23 (j) Division of Employee Benefits.
- 24 (k) Division of Communications and Recognition.
- 25 (l) Office of Public Employee Health Insurance.

26 III. Other departments headed by appointed officers:

- 27 1. Department of Military Affairs.

- 1           2.    Council on Postsecondary Education.
- 2           3.    Department for Local Government.
- 3           4.    Kentucky Commission on Human Rights.
- 4           5.    Kentucky Commission on Women.
- 5           6.    Department of Veterans' Affairs.
- 6           7.    Kentucky Commission on Military Affairs.
- 7           8.    The Governor's Office for Technology.
- 8           9.    Commission on Small Business Advocacy.
- 9           10.   Education Professional Standards Board.

10           Section 8. KRS 12.023 is amended to read as follows:

11   The following organizational units and administrative bodies shall be attached to the  
12   Office of the Governor:

- 13   (1)   Council on Postsecondary Education;
- 14   (2)   Department of Military Affairs;
- 15   (3)   Department for Local Government;
- 16   (4)   Kentucky Commission on Human Rights;
- 17   (5)   Kentucky Commission on Women;
- 18   (6)   Kentucky Commission on Military Affairs;
- 19   (7)   Kentucky Coal Council;
- 20   (8)~~[(9)]~~ Governor's Office of Child Abuse and Domestic Violence Services;
- 21   (9)~~[(10)]~~ Governor's Office for Technology;
- 22   (9)~~[(10)]~~ Office of Coal Marketing and Export;
- 23   (10)~~[(11)]~~ Agricultural Development Board;
- 24   (11)~~[(12)]~~ Commission on Small Business Advocacy;
- 25   (12)~~[(13)]~~ Office of Early Childhood Development;
- 26   (13)~~[(14)]~~ Kentucky Agency for Substance Abuse Policy;
- 27   (14)~~[(15)]~~ Education Professional Standards Board; and

1 ~~(15)~~~~(16)~~ Kentucky Agricultural Finance Corporation.

2 Section 9. KRS 12.250 is amended to read as follows:

3 There are established within state government the following program cabinets:

4 (1) Justice Cabinet.

5 (2) Education, Arts, and Humanities Cabinet.

6 (3) Natural Resources and Environmental Protection Cabinet.

7 (4) Transportation Cabinet.

8 (5) Cabinet for Economic Development.

9 (6) Public Protection and Regulation Cabinet.

10 (7) Cabinet for Health and Family Services.

11 ~~(8) Cabinet for Families and Children.~~

12 ~~(9)~~ Finance and Administration Cabinet.

13 ~~(9)~~~~(10)~~ Tourism Development Cabinet.

14 ~~(10)~~~~(11)~~ Revenue Cabinet.

15 ~~(11)~~~~(12)~~ Labor Cabinet.

16 ~~(12)~~~~(13)~~ Cabinet for Workforce Development.

17 ~~(13)~~~~(14)~~ Personnel Cabinet.

18 Section 10. KRS 12.330 is amended to read as follows:

19 (1) As used in KRS 12.330 to 12.334, "KY-ASAP" means the Kentucky Agency for  
20 Substance Abuse Policy.

21 (2) The Kentucky Agency for Substance Abuse Policy is created and attached for  
22 administrative purposes to the Office of the Governor. KY-ASAP shall be headed  
23 by an executive director with experience in overseeing programs involving tobacco  
24 and substance abuse and shall have other staff as necessary to conduct its affairs.

25 (3) KY-ASAP shall administer an endowment from interest generated through funds  
26 appropriated or gifts, donations, or funds received from any source. KY-ASAP may  
27 expend endowment principal, if necessary in its discretion, to carry out the purposes

of KRS 12.330 to 12.334. These expenditures from the endowment principal are hereby appropriated for this purpose.

(4) (a) The seventeen (17)~~eighteen (18)~~ member KY-ASAP Board is created to oversee the activities of KY-ASAP. Membership of the board shall be appointed by the Governor and shall consist of the following:

1. One (1) member representing the Kentucky Family Resource Youth Services Coalition, or a designee;
2. One (1) member representing the Kentucky Health Department Association, or a designee;
3. The secretary of the Cabinet for Health and Family Services, or designee;
4. The secretary of the Justice Cabinet, or a designee;
- ~~5. The secretary of the Cabinet for Families and Children, or a designee;~~
- ~~6.~~ One (1) member representing the Division of Mental Health and Substance Abuse Services within the Department for Mental Health and Mental Retardation Services, Cabinet for Health and Family Services, or a designee;
- ~~6.~~~~7.~~ The commissioner of the Department for Public Health, Cabinet for Health and Family Services, or a designee;
- ~~7.~~~~8.~~ The commissioner of the Department of Alcoholic Beverage Control, or a designee;
- ~~8.~~~~9.~~ The commissioner of the Department of Education;
- ~~9.~~~~10.~~ The director of the Administrative Office of the Courts, or a designee;
- ~~10.~~~~11.~~ One (1) member representing the Kentucky Association of Regional Programs, or a designee;
- ~~11.~~~~12.~~ One (1) member representing the Kentucky Heart Association, or a

1           designee;

2           ~~12.~~~~13.~~ One (1) member representing the Kentucky Lung Association, or a  
3           designee;

4           ~~13.~~~~14.~~ One (1) member representing the Kentucky Cancer Society, or a  
5           designee;

6           ~~14.~~~~15.~~ Two (2) members representing local tobacco addiction and  
7           substance abuse advisory and coordination boards; and

8           ~~15.~~~~16.~~ Two (2) members representing private community-based  
9           organizations, whether for-profit or nonprofit, with experience in  
10          programs involving smoking cessation or prevention or alcohol or  
11          substance abuse prevention and treatment.

12       (b) Members shall serve for a term of four (4) years, may be reappointed, and may  
13       serve no more than two (2) consecutive terms. Members shall not be  
14       compensated but shall receive reimbursement for expenses incurred while  
15       performing board business.

16       (c) The board shall meet at least quarterly. A quorum of nine (9)~~ten (10)~~  
17       members shall be required for the transaction of business. Meetings shall be  
18       held at the call of the chair, or upon the written request of two (2) members to  
19       the chair.

20       (d) The board shall:

- 21           1. Oversee deposits and expenditures from the endowment;
- 22           2. Request, in its discretion, an audit relating to the expenditure of  
23           endowment funds;
- 24           3. Receive quarterly reports from the executive director regarding KY-  
25           ASAP's activities;
- 26           4. Progress toward development and implementation of the strategic plan;
- 27           5. Recommend to KY-ASAP the most efficient means for using public

1 funds to coordinate, supplement, and support high quality and ongoing  
2 programs of all public agencies and private service providers related to  
3 smoking cessation and prevention and alcohol and substance abuse  
4 prevention and treatment;

5 6. Recommend matters for review and analysis by KY-ASAP; and

6 7. Perform other duties as necessary for the oversight of KY-ASAP.

7 (5) KY-ASAP shall promote the implementation of research-based strategies that target  
8 Kentucky's youth and adult populations.

9 (6) KY-ASAP shall vigorously pursue the philosophy that tobacco in the hands of  
10 Kentucky's youth is a drug abuse problem because of the addictive qualities of  
11 nicotine, and because tobacco is the most prevalent gateway drug that leads to later  
12 and escalated drug and alcohol abuse.

13 Section 11. KRS 12.332 is amended to read as follows:

14 KY-ASAP shall:

15 (1) Develop a strategic plan to reduce the prevalence of smoking and drug and alcohol  
16 abuse among both the youth and adult populations in Kentucky;

17 (2) Monitor the data and issues related to youth alcohol and tobacco access, smoking  
18 cessation and prevention, and substance abuse policies, their impact on state and  
19 local programs, and their flexibility to adapt to the needs of local communities and  
20 service providers;

21 (3) Make policy recommendations to be followed to the extent permitted by budgetary  
22 restrictions and federal law, by executive branch agencies that work with smoking  
23 cessation and prevention and alcohol and substance abuse issues to ensure the  
24 greatest efficiency in agencies and to ensure that a consistency in philosophy will be  
25 applied to all efforts undertaken by the administration in initiatives related to  
26 smoking cessation and prevention and alcohol and substance abuse;

27 (4) Identify existing resources in each community that advocate or implement programs

- 1 for smoking cessation or prevention, or drug and alcohol abuse prevention,
- 2 education, or treatment;
- 3 (5) Encourage coordination among public and private, state and local, agencies,
- 4 organizations, and service providers, and monitor related programs;
- 5 (6) Act as the referral source of information, utilizing existing information
- 6 clearinghouse resources within the Department for Public Health and CHAMPIONS
- 7 for a Drug Free Kentucky Office, relating to youth tobacco access, smoking
- 8 cessation and prevention, and substance abuse prevention, cessation, and treatment
- 9 programs. KY-ASAP shall identify gaps in information referral sources;
- 10 (7) Search for grant opportunities for existing programs within the Commonwealth;
- 11 (8) Make recommendations to state and local agencies and local tobacco addiction and
- 12 substance abuse advisory and coordination boards;
- 13 (9) Observe programs from other states;
- 14 (10) Coordinate services among local and state agencies, including, but not limited to,
- 15 the Justice Cabinet, the Cabinet for Health and Family Services,~~[the Cabinet for~~
- 16 ~~Families and Children,~~] the Department of Agriculture, the Public Protection and
- 17 Regulation Cabinet, the Administrative Office of the Courts, and the Education,
- 18 Arts, and Humanities Cabinet;
- 19 (11) Assure the availability of training, technical assistance, and consultation to local
- 20 service providers for programs funded by the Commonwealth that provide services
- 21 related to tobacco addiction, smoking cessation or prevention, or alcohol or
- 22 substance abuse;
- 23 (12) Review existing research on programs related to smoking cessation and prevention
- 24 and substance abuse prevention and treatment;
- 25 (13) Comply with any federal mandate regarding smoking cessation and prevention and
- 26 substance abuse, to the extent authorized by state statute;
- 27 (14) Establish a mechanism to coordinate the distribution of funds to support any local



1 prevention, treatment, and education program based on the strategic plan developed  
2 in subsection (1) of this section that could encourage smoking cessation and  
3 prevention through efficient, effective, and research-based strategies;

4 (15) Oversee a school-based initiative that links schools with community-based agencies  
5 and health departments to implement School Programs to Prevent Tobacco Use,  
6 based upon the model recommended by the Centers for Disease Control and  
7 Prevention. To the extent permitted by resources, the initiative shall involve input  
8 by and services from each of the family resource and youth services centers,  
9 regional prevention centers, and existing school-based antidrug programs;

10 (16) Work with community-based organizations to encourage them to work together to  
11 establish comprehensive tobacco addiction and substance abuse prevention  
12 education programs and carry out the strategic plan developed in this section. These  
13 organizations shall be encouraged to partner with district and local health  
14 departments and community mental health centers to plan and implement  
15 interventions to reach youths before tobacco addiction and substance abuse become  
16 a problem in their lives;

17 (17) Coordinate media campaigns designed to demonstrate the negative impact of  
18 smoking and the increased risk of tobacco addiction, substance abuse, and the  
19 development of other disease in children, young people, and adults. To accomplish  
20 this objective, KY-ASAP shall work with local media to reach all segments of the  
21 community quickly and efficiently;

22 (18) Certify to the Governor and the General Assembly during the budget request  
23 process established under KRS Chapter 48 the extent to which each entity receiving  
24 state funds has cooperated with KY-ASAP, coordinated with community resources,  
25 and vigorously pursued the philosophy of KY-ASAP;

26 (19) Promulgate any administrative regulations necessary to implement KRS 12.330 to  
27 12.334; and

(20) Report to the Legislative Research Commission and Governor by October 1, 2000, regarding the proper organization of state government agencies that will provide the greatest coordination of services, and report semiannually to the Legislative Research Commission and Governor on the proper organization structure, devising and implementing an accountability system to be designed to ensure efficiency and efficacy of services and grants, and on other matters as requested by the Legislative Research Commission and Governor.

Section 12. KRS 12.350 is repealed, reenacted as a new section of KRS Chapter 194A, and amended to read as follows:

The **Division**~~[Governor's Office]~~ of Child Abuse and Domestic Violence Services is hereby created and established within the **Cabinet for Health and Family Services**~~[Office of the Governor]~~. The office shall be headed by **a**~~[an executive]~~ director, who shall be appointed by the **secretary**~~[Governor pursuant to KRS 11.040 and shall serve at the pleasure of and under the direction of the Governor]~~.

(1) The **division's**~~[office's]~~ duties, rights, and responsibilities shall include, but not be limited to, the following:

(a) Provide coordinative functions so that no services funded or provided by state government agencies are duplicative so as to ensure the greatest efficiency in the use of resources and funding, and to ensure that a consistent philosophy underlies all efforts undertaken by the administration in initiatives related to child abuse, domestic violence, and rape or sexual assault.

(b) Coordinate the legislative efforts of the administration related to child abuse, domestic violence and rape or sexual assault which shall include drafting legislative proposals and providing input to the **secretary**~~[Governor]~~ on the impact of legislation proposed by other agencies and government branches.

(c) Provide training and consultation to programs provided or funded by the state which provide services to victims of child abuse, domestic violence, rape or

1 sexual assault, and other crimes.

2 (d) In conjunction with staff from the Justice Cabinet and other staff within~~the~~  
3 ~~Cabinet for Families and Children and~~ the Cabinet for Health and Family  
4 Services, and with input from direct service providers throughout Kentucky,  
5 develop standards of care for victim and offender services provided or funded  
6 by the state.

7 (e) Design and implement research programs which attend to the quality of  
8 victim-related services.

9 (f) Provide consultation on the development of budgets for the rape crisis, child  
10 abuse, and domestic violence programs funded by the state.

11 (g) Provide recommendations to the Governor and to the Secretaries of the Justice  
12 Cabinet and~~the Cabinet for Families and Children and~~ the Cabinet for  
13 Health and Family Services, related to the improvement and expansion of  
14 victim services provided or funded by these agencies.

15 (h) Undertake new and progressive initiatives to improve and enhance the  
16 delivery of services to victims of child abuse, domestic violence, and rape or  
17 sexual assault.

18 (2) The~~Executive~~ director may, at the request of the Governor or any secretary, serve  
19 as a designee on boards, commissions, task forces or other committees addressing  
20 child abuse, domestic violence and rape or sexual assault.

21 ~~[(3) The First Lady of the Commonwealth shall serve as special advisor to the office.]~~

22 Section 13. KRS 13B.020 is amended to read as follows:

23 (1) The provisions of this chapter shall apply to all administrative hearings conducted  
24 by an agency, with the exception of those specifically exempted under this section.  
25 The provisions of this chapter shall supersede any other provisions of the Kentucky  
26 Revised Statutes and administrative regulations, unless exempted under this section,  
27 to the extent these other provisions are duplicative or in conflict. This chapter

1 creates only procedural rights and shall not be construed to confer upon any person  
2 a right to hearing not expressly provided by law.

3 (2) The provisions of this chapter shall not apply to:

4 (a) Investigations, hearings to determine probable cause, or any other type of  
5 information gathering or fact finding activities;

6 (b) Public hearings required in KRS Chapter 13A for the promulgation of  
7 administrative regulations;

8 (c) Any other public hearing conducted by an administrative agency which is  
9 nonadjudicatory in nature and the primary purpose of which is to seek public  
10 input on public policy making;

11 (d) Military adjudicatory proceedings conducted in accordance with KRS Chapter  
12 35;

13 (e) Administrative hearings conducted by the legislative and judicial branches of  
14 state government;

15 (f) Administrative hearings conducted by any city, county, urban-county, charter  
16 county, or special district contained in KRS Chapters 65 to 109, or any other  
17 unit of local government operating strictly in a local jurisdictional capacity;

18 (g) Informal hearings which are part of a multilevel hearing process that affords  
19 an administrative hearing at some point in the hearing process if the  
20 procedures for informal hearings are approved and promulgated in accordance  
21 with subsections (4) and (5) of this section;

22 (h) Limited exemptions granted for specific hearing provisions and denoted by  
23 reference in the text of the applicable statutes or administrative regulations;

24 (i) Administrative hearings exempted pursuant to subsection (3) of this section;

25 (j) Administrative hearings exempted, in whole or in part, pursuant to  
26 subsections (4) and (5) of this section; and

27 (k) Any administrative hearing which was commenced but not completed prior to

July 15, 1996.

(3) The following administrative hearings are exempt from application of this chapter in compliance with 1994 Ky. Acts ch. 382, sec. 19:

(a) Finance and Administration Cabinet

1. Higher Education Assistance Authority

a. Wage garnishment hearings conducted under authority of 20 U.S.C. sec. 1095a and 34 C.F.R. sec. 682.410

b. Offset hearings conducted under authority of 31 U.S.C. sec. 3720A and sec. 3716, and 34 C.F.R. sec. 30.33

(b) Cabinet for Health and Family Services

1. Office of Certificate of Need

a. Certificate-of-need hearings and licensure conducted under authority of KRS Chapter 216B

b. Licensure revocation hearings conducted under authority of KRS Chapter 216B

~~[(c) Cabinet for Families and Children]~~

2.~~[1.]~~ Department for Community Based Services

a. Supervised placement revocation hearings conducted under authority of KRS Chapter 630

3.~~[2.]~~ Department for Disability Determination Services

a. Disability determination hearings conducted under authority of 20 C.F.R. sec. 404

(c)~~[(d)]~~ Justice Cabinet

1. Department of State Police

a. State Police Trial Board disciplinary hearings conducted under authority of KRS Chapter 16

2. Department of Corrections

- 1 a. Parole Board hearings conducted under authority of KRS Chapter
- 2 439
- 3 b. Prison adjustment committee hearings conducted under authority
- 4 of KRS Chapter 197
- 5 c. Prison grievance committee hearings conducted under authority of
- 6 KRS Chapters 196 and 197
- 7 3. Department of Juvenile Justice
- 8 a. Supervised placement revocation hearings conducted under KRS
- 9 Chapter 635
- 10 ~~(d)~~[(e)] Labor Cabinet
- 11 1. Department of Workers' Claims
- 12 a. Workers' compensation hearings conducted under authority of
- 13 KRS Chapter 342
- 14 ~~(e)~~[(f)] Natural Resources and Environmental Protection Cabinet
- 15 1. Department for Surface Mining Reclamation and Enforcement
- 16 a. Surface mining hearings conducted under authority of KRS
- 17 Chapter 350
- 18 2. Department for Environmental Protection
- 19 a. Wild River hearings conducted under authority of KRS Chapter
- 20 146
- 21 b. Water resources hearings conducted under authority of KRS
- 22 Chapter 151
- 23 c. Water plant operator and water well driller hearings conducted
- 24 under authority of KRS Chapter 223
- 25 d. Environmental protection hearings conducted under authority of
- 26 KRS Chapter 224
- 27 ~~(d)~~[(g)] Kentucky Occupational Safety and Health Review Commission

- 1           1. Occupational safety and health hearings conducted under authority of
- 2           KRS Chapter 338
- 3           (g)~~[(h)]~~ Public Protection and Regulation Cabinet
- 4           1. Board of Claims
- 5           a. Liability hearings conducted under authority of KRS Chapter 44
- 6           2. Public Service Commission
- 7           a. Utility hearings conducted under authority of KRS Chapters 74,
- 8           278, and 279
- 9           (h)~~[(i)]~~ Cabinet for Workforce Development
- 10          1. Department for Employment Services
- 11          a. Unemployment Insurance hearings conducted under authority of
- 12          KRS Chapter 341
- 13          (i)~~[(j)]~~ Secretary of State
- 14          1. Registry of Election Finance
- 15          a. Campaign finance hearings conducted under authority of KRS
- 16          Chapter 121
- 17          (j)~~[(k)]~~ State universities and colleges
- 18          1. Student suspension and expulsion hearings conducted under authority of
- 19          KRS Chapter 164
- 20          2. University presidents and faculty removal hearings conducted under
- 21          authority of KRS Chapter 164
- 22          3. Campus residency hearings conducted under authority of KRS Chapter
- 23          164
- 24          4. Family Education Rights to Privacy Act hearings conducted under
- 25          authority of 20 U.S.C. sec. 1232 and 34 C.F.R. sec. 99
- 26          5. Federal Health Care Quality Improvement Act of 1986 hearings
- 27          conducted under authority of 42 U.S.C. sec. 11101 to 11115 and KRS

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(4) Any administrative hearing, or portion thereof, may be certified as exempt by the Attorney General based on the following criteria:

(a) The provisions of this chapter conflict with any provision of federal law or regulation with which the agency must comply, or with any federal law or regulation with which the agency must comply to permit the agency or persons within the Commonwealth to receive federal tax benefits or federal funds or other benefits;

(b) Conformity with the requirement of this chapter from which exemption is sought would be so unreasonable or so impractical as to deny due process because of undue delay in the conduct of administrative hearings; or

(c) The hearing procedures represent informal proceedings which are the preliminary stages or the review stages of a multilevel hearing process, if the provisions of this chapter or the provisions of a substantially equivalent hearing procedure exempted under subsection (3) of this section are applied at some level within the multilevel process.

(5) The Attorney General shall not exempt an agency from any requirement of this chapter until the agency establishes alternative procedures by administrative regulation which, insofar as practical, shall be consistent with the intent and purpose of this chapter. When regulations for alternative procedures are submitted to the Administrative Regulation Review Subcommittee, they shall be accompanied by the request for exemption and the approval of exemption from the Attorney General. The decision of the Attorney General, whether affirmative or negative, shall be subject to judicial review in the Franklin Circuit Court within thirty (30) days of the date of issuance. The court shall not overturn a decision of the Attorney General unless the decision was arbitrary or capricious or contrary to law.

(6) Except to the extent precluded by another provision of law, a person may waive any



1 procedural right conferred upon that person by this chapter.

2 Section 14. KRS 17.125 is amended to read as follows:

3 (1) The following agencies shall, subject to restrictions imposed by state or federal law,  
4 disclose and share with each other all information they maintain on a juvenile in a  
5 facility or program or informal adjustment authorized by law:

6 (a) All sheriff's offices, police departments, and any other law enforcement  
7 agency;

8 (b) All Commonwealth's attorneys and county attorneys;

9 (c) The Attorney General;

10 (d) All jails and juvenile detention facilities, public and private;

11 (e) All courts and clerks of courts;

12 (f) The Administrative Office of the Courts;

13 (g) All departments within the Justice Cabinet; and

14 (h) All departments within~~the Cabinet for Families and Children and~~ the  
15 Cabinet for Health **and Family** Services.

16 (2) Except as provided in this section, all information shared by agencies specified  
17 above shall be subject to applicable confidentiality disclosure, redisclosure, and  
18 access restrictions imposed by federal or state law.

19 (3) All public or private elementary or secondary schools, vocational or business  
20 schools, or institutions of higher education shall provide all records specifically  
21 requested in writing, and pertaining to status offenders, public offenders, youthful  
22 offenders, juveniles remanded to detention, and any juvenile convicted by a court,  
23 to any of the agencies listed in subsection (1) of this section. The records or  
24 information provided pursuant to this subsection shall be subject to:

25 (a) Access or other restrictions imposed by federal or state law;

26 (b) All confidentiality restrictions imposed by federal or state law; and

27 (c) All disclosure and redisclosure restrictions imposed by federal or state law.

1 (4) Any request for records, the provision of records, the sharing of records, the  
 2 disclosure of records, or the redisclosure of records shall be done for official  
 3 purposes only, on a bona fide need to know basis, and only in connection with a  
 4 legitimate investigation, prosecution, treatment program, or educational program.

5 (5) Information and records relating to pending litigation in Circuit Court, District  
 6 Court, or a federal court and information and records relating to an ongoing  
 7 investigation are not subject to disclosure or sharing under this section.

8 (6) Obtaining or attempting to obtain a record relating to a minor or by sharing or  
 9 attempting to share a record relating to a minor with an unauthorized person is a  
 10 violation of this section.

11 Section 15. KRS 17.150 is amended to read as follows:

12 (1) Every sheriff, chief of police, coroner, jailer, prosecuting attorney, probation officer,  
 13 parole officer; warden or superintendent of a prison, reformatory, correctional  
 14 school, mental hospital, or institution for the retarded; State Police, state fire  
 15 marshal, Board of Alcoholic Beverage Control; Cabinet for Health and Family  
 16 Services; [~~Cabinet for Families and Children;~~] Transportation Cabinet; Department  
 17 of Corrections; Department of Juvenile Justice; and every other person or criminal  
 18 justice agency, except the Court of Justice, public or private, dealing with crimes or  
 19 criminals or with delinquency or delinquents, when requested by the cabinet, shall:

- 20 (a) Install and maintain records needed for reporting data required by the cabinet;
- 21 (b) Report to the cabinet as and when the cabinet requests all data demanded by it,  
 22 except that the reports concerning a juvenile delinquent shall not reveal the  
 23 juvenile's or the juvenile's parents' identity;
- 24 (c) Give the cabinet or its accredited agent access for purpose of inspection; and
- 25 (d) Cooperate with the cabinet to the end that its duties may be properly  
 26 performed.

27 (2) Intelligence and investigative reports maintained by criminal justice agencies are

1 subject to public inspection if prosecution is completed or a determination not to  
2 prosecute has been made. However, portions of the records may be withheld from  
3 inspection if the inspection would disclose:

- 4 (a) The name or identity of any confidential informant or information which may  
5 lead to the identity of any confidential informant;
- 6 (b) Information of a personal nature, the disclosure of which will not tend to  
7 advance a wholesome public interest or a legitimate private interest;
- 8 (c) Information which may endanger the life or physical safety of law  
9 enforcement personnel; or
- 10 (d) Information contained in the records to be used in a prospective law  
11 enforcement action.

12 (3) When a demand for the inspection of the records is refused by the custodian of the  
13 record, the burden shall be upon the custodian to justify the refusal of inspection  
14 with specificity. Exemptions provided by this section shall not be used by the  
15 custodian of the records to delay or impede the exercise of rights granted by this  
16 section.

17 (4) Centralized criminal history records are not subject to public inspection. Centralized  
18 history records mean information on individuals collected and compiled by the  
19 Justice Cabinet from criminal justice agencies and maintained in a central location  
20 consisting of identifiable descriptions and notations of arrests, detentions,  
21 indictments, information, or other formal criminal charges and any disposition  
22 arising therefrom, including sentencing, correctional supervision, and release. The  
23 information shall be restricted to that recorded as the result of the initiation of  
24 criminal proceedings or any proceeding related thereto. Nothing in this subsection  
25 shall apply to documents maintained by criminal justice agencies which are the  
26 source of information collected by the Justice Cabinet. Criminal justice agencies  
27 shall retain the documents and no official thereof shall willfully conceal or destroy

1 any record with intent to violate the provisions of this section.

2 (5) The provisions of KRS Chapter 61 dealing with administrative and judicial  
3 remedies for inspection of public records and penalties for violations thereof shall  
4 be applicable to this section.

5 (6) The secretary of justice shall adopt the administrative regulations necessary to carry  
6 out the provisions of the criminal history record information system and to insure  
7 the accuracy of the information based upon recommendations submitted by the  
8 commissioner, Department of State Police.

9 (7) The Administrative Office of the Courts may, upon suitable agreement between the  
10 Chief Justice and the secretary of justice, supply criminal justice information and  
11 data to the cabinet. No information, other than that required by KRS 27A.350 to  
12 27A.420 and 27A.440, shall be solicited from a circuit clerk, justice or judge, court,  
13 or agency of the Court of Justice unless the solicitation or request for information is  
14 made pursuant to an agreement which may have been reached between the Chief  
15 Justice and the secretary of justice.

16 Section 16. KRS 61.8715 is amended to read as follows:

17 The General Assembly finds an essential relationship between the intent of this chapter  
18 and that of KRS 171.410 to 171.740, dealing with the management of public records, and  
19 of KRS 11.501 to 11.517, 45.253, 171.420, 186A.040, 186A.285, and Section 32 of this  
20 Act~~[194B.102]~~, dealing with the coordination of strategic planning for computerized  
21 information systems in state government; and that to ensure the efficient administration of  
22 government and to provide accountability of government activities, public agencies are  
23 required to manage and maintain their records according to the requirements of these  
24 statutes. The General Assembly further recognizes that while all government agency  
25 records are public records for the purpose of their management, not all these records are  
26 required to be open to public access, as defined in this chapter, some being exempt under  
27 KRS 61.878.

Section 17. KRS 62.160 is amended to read as follows:

(1) The state officers elected by the voters of the state at large, except the Governor, Lieutenant Governor, and the Superintendent of Public Instruction, the heads of departments and cabinets of the state government, the adjutant general, the members of the Public Service Commission, the members of the State Fair Board and Fish and Wildlife Resources Commission, and the members of the Kentucky Board of Tax Appeals and the Alcoholic Beverage Control Board, shall each give bond. The amounts of the bonds shall be fixed by the Governor, which amounts as to those offices set forth in subsection (2) of this section shall be not less than the amounts set forth for the respective offices. At any time when it appears to be to the interest of the Commonwealth the Governor may increase the penal sum of any bond or require a renewal of the bond with other or additional surety.

(2) The minimum sum of the bond for the following offices shall be as follows:

Secretary of State .....	\$10,000
Attorney General .....	10,000
State Treasurer .....	300,000
Secretary for economic development .....	10,000
Commissioner of Agriculture .....	10,000
Secretary for education, arts, and humanities .....	10,000
Auditor of Public Accounts .....	25,000
Adjutant general .....	10,000
Secretary of finance and administration .....	100,000
Secretary of revenue .....	50,000
Secretary of transportation .....	50,000
Commissioner of highways .....	50,000
Secretary of justice .....	50,000
Secretary of corrections .....	25,000

1	Commissioner for <u>public</u> health[ <del>services</del> ] .....	10,000
2	Secretary of labor .....	5,000
3	Commissioner of surface mining reclamation and enforcement .....	50,000
4	State librarian .....	5,000
5	Commissioner of mines and minerals .....	5,000
6	Commissioner of alcoholic beverage control .....	10,000
7	Commissioner of financial institutions .....	25,000
8	Secretary for natural resources and environmental protection .....	10,000
9	Commissioner of insurance .....	50,000
10	Commissioner of vehicle regulation .....	10,000
11	Commissioner of fish and wildlife resources .....	5,000
12	Secretary for health <u>and family</u> services .....	20,000
13	<del>{ Secretary for families and children .....</del>	<del>20,000}</del>
14	Commissioner for environmental protection .....	10,000
15	Secretary for public protection and regulation .....	10,000
16	Secretary of tourism .....	25,000
17	Commissioner for community based services .....	20,000
18	Member of the Public Service Commission .....	10,000
19	Member of State Fair Board .....	10,000
20	Member of Fish and Wildlife Resources Commission .....	1,000
21	Member of Kentucky Board of Tax Appeals .....	10,000
22	Associate member of Alcoholic Beverage Control Board .....	5,000
23	Commissioner of local government .....	100,000

24 Section 18. KRS 62.170 is amended to read as follows:

- 25 (1) The secretary of the Finance and Administration Cabinet shall secure, except for  
 26 state officers required by KRS 62.160 to file bond, blanket bonds, with or without  
 27 cosureties, written on a blanket position form, to cover all other officers, employees,

1 or deputies of the Commonwealth of Kentucky, including all judges, clerks, and  
2 employees of the Court of Justice, including all other members of boards or  
3 commissions or employees of those boards or commissions, and including all  
4 superintendents, receivers, or employees of penal or eleemosynary institutions  
5 managed or directed by the Justice Cabinet, the Cabinet for Health and Family  
6 Services,~~[ the Cabinet for Families and Children,]~~ or any other department or  
7 agency of the Commonwealth of Kentucky. Nothing in this paragraph shall be  
8 deemed to prohibit the securing of any such blanket position bond on a  
9 departmental, board, commission, agency, or institutional basis.

10 (2) The secretary of the Finance and Administration Cabinet may secure one (1) or  
11 more excess blanket bonds, with or without cosureties, to cover selected groups of  
12 persons covered by the bond or bonds required in the preceding paragraph to  
13 provide additional coverage which he may deem necessary by the exposures  
14 indicated in accordance with the duties and responsibilities indicated by the  
15 personnel classification schedules of the Personnel Cabinet and, for Court of Justice  
16 officers and personnel, by the Administrative Office of the Courts and in  
17 accordance with the amounts of money and property handled by the respective  
18 officers and employees.

19 (3) Such bond or bonds shall be written by and participated in only by insurance  
20 companies licensed by the Department of Insurance to do business in this state and  
21 shall be countersigned by a duly authorized licensed resident agent of the company.  
22 The bonds may be written with or without cosureties. Further, the bonds are to be a  
23 percentage of the total risks, the Department of Insurance to approve the amount of  
24 the risk written by any one (1) company.

25 (4) The penal amount of the bond secured pursuant to this section shall be fixed by the  
26 secretary of the Finance and Administration Cabinet in accordance with the duties  
27 and responsibilities indicated by the personnel classification schedules of the

Personnel Cabinet and, for Court of Justice officers and personnel, by the Administrative Office of the Courts, and in accordance with the amounts of money and property handled by the respective officers and employees.

Section 19. KRS 96A.095 is amended to read as follows:

- (1) The Transportation Cabinet may receive and accept from the Commonwealth or any of its agencies, including~~the Cabinet for Families and Children,~~ the Cabinet for Health and Family Services~~,~~ and the Cabinet for Workforce Development, and from federal agencies appropriations or grants to promote, develop, and provide capital and operating subsidies for mass transit services and human service transportation delivery in Kentucky, and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value to promote mass transit services. Subject to the provisions of Section 230 of the Constitution of the Commonwealth of Kentucky, any of these funds, property, or things of value received by the Transportation Cabinet may be given directly to any of the following entities in order to accomplish the purposes of this section:

- (a) A local transit authority as created under this chapter;
- (b) A city;
- (c) A county;
- (d) Other public mass transit providers;
- (e) A nonprofit or public mass transit provider operating under 49 U.S.C. sec. 5310 or 5311; or
- (f) An entity providing human service transportation delivery.

- (2) The Transportation Cabinet is authorized and directed to apply for any available federal funds for operating subsidies, either on a matching basis or otherwise and to make any of these funds received available to any of the following entities in order to accomplish the purposes of this section:

- (a) A local transit authority as created under this chapter;



- 1 (b) A city;
- 2 (c) A county;
- 3 (d) Other public mass transit providers;
- 4 (e) A nonprofit or public mass transit provider operating under 49 U.S.C. sec.
- 5 5310 or 5311; or
- 6 (f) An entity promoting or providing transit services such as safety, planning,
- 7 research, coordination, or training activities.

8 In those cases where federal laws or regulations preclude the Transportation Cabinet  
 9 from direct application for this type of federal funds, the cabinet is authorized and  
 10 directed to provide assistance to any of the entities listed in this subsection as  
 11 necessary to enable it to apply for and obtain this type of federal funds in order to  
 12 accomplish the purposes of this section.

13 (3) The Transportation Cabinet is authorized to assist cities and counties in the  
 14 formation of local transit authorities in conformance with this chapter, but nothing  
 15 in this chapter shall be construed as preventing the Transportation Cabinet from  
 16 providing assistance as authorized in this chapter to cities or counties where local  
 17 transit authorities do not exist.

18 (4) The Transportation Cabinet is authorized to contract, in accordance with the  
 19 provisions of KRS Chapters 45A and 281, with a broker to provide human service  
 20 transportation delivery within a specific delivery area.

21 Section 20. KRS 142.301 is amended to read as follows:

22 As used in KRS 142.301 to 142.359:

- 23 (1) "Cabinet" means the Revenue Cabinet;
- 24 (2) "Charitable provider" means any provider which does not charge its patients for
- 25 health-care items or services, and which does not seek or accept Medicare,
- 26 Medicaid, or other financial support from the federal government or any state
- 27 government. The collaboration with public hospitals, agencies, or other providers in

1 the delivery of patient care; affiliation with public institutions to provide health-care  
 2 education; or the pursuit of research in cooperation with public institutions or  
 3 agencies shall not be considered as the receipt of government support by a  
 4 charitable provider;

5 (3) "Dispensing" means to deliver one (1) or more doses of a prescription drug in a  
 6 suitable container, appropriately labeled for subsequent administration or use by a  
 7 patient or other individual entitled to receive the prescription drug;

8 (4) "Entity" means any firm, partnership, joint venture, association, corporation,  
 9 company, joint stock association, trust, business trust, syndicate, cooperative, or  
 10 other group or combination acting as a unit;

11 (5) "Gross revenues" means the total amount received in money or otherwise by a  
 12 provider for the provision of health-care items or services in Kentucky, less the  
 13 following:

14 (a) Amounts received by any provider as an employee or independent contractor  
 15 from another provider for the provision of health-care items or services if:

16 1. The employing or contracting provider receives revenue attributable to  
 17 health-care items or services provided by the employee or independent  
 18 contractor receiving payment; and

19 2. The employing or contracting provider is subject to the tax imposed by  
 20 KRS 142.303, 142.307, 142.309, and 142.311 on the receipt of that  
 21 revenue;

22 (b) Amounts received as a grant or donation by any provider from federal, state,  
 23 or local government or from an organization recognized as exempt from  
 24 federal income taxation under Section 501(c)(3) of the Internal Revenue Code  
 25 for:

26 1. Research; or

27 2. Administrative or operating costs associated with the implementation

- 1                   and operation of an experimental program;
- 2           (c) Salaries or wages received by an individual provider as an employee of a
- 3               charitable provider, the federal government, or any state or local governmental
- 4               entity;
- 5           (d) Salaries or wages received by an individual provider as an employee of a
- 6               public university for the provision of services at a student health facility; and
- 7           (e) Amounts received by an HMO on a fixed, prepayment basis as premium
- 8               payments.
- 9   (6) "Health-care items or services" means:
- 10       (a) Inpatient hospital services;
- 11       (b) Outpatient hospital services;
- 12       (c) Nursing-facility services;
- 13       (d) Services of intermediate-care facilities for the mentally retarded;
- 14       (e) Physicians' services provided prior to July 1, 1999;
- 15       (f) Licensed home-health-care-agency services;
- 16       (g) Outpatient prescription drugs; and
- 17       (h) HMO services;
- 18   (7) "Health-maintenance organization" or "HMO" means an organization established
- 19       and operated pursuant to the provisions of Subtitle 38 of KRS Chapter 304;
- 20   (8) "Hospital" means an acute-care, rehabilitation, or psychiatric hospital licensed
- 21       under KRS Chapter 216B;
- 22   (9) "Hospital services" means all inpatient and outpatient services provided by a
- 23       hospital. "Hospital services" does not include services provided by a noncontracted,
- 24       university-operated hospital, or any freestanding psychiatric hospital, if necessary
- 25       waivers are obtained by the Cabinet for Human Resources, *Cabinet for Health*
- 26       *Services, or Cabinet for Health and Family Services* from the Health Care
- 27       Financing Administration *or Centers for Medicare and Medicaid Services*, or

- 1 hospitals operated by the federal government;
- 2 (10) "Health and family services secretary" means the secretary of the Cabinet for Health  
3 and Family Services or that person's authorized representative;
- 4 (11) "Inpatient hospital services," "outpatient hospital services," "intermediate-care-  
5 facility services for the mentally retarded," "physician services," "licensed home-  
6 health-care-agency services," and "outpatient prescription drugs" have the same  
7 meaning as set forth in regulations promulgated by the Secretary of the Department  
8 of Health and Human Services and codified at 42 C.F.R. pt. 440, as in effect on  
9 December 31, 1993;
- 10 (12) "Medicaid" means the state program of medical assistance as administered by the  
11 Cabinet for Health and Family Services in compliance with 42 U.S.C. sec. 1396;
- 12 (13) "Nursing-facility services" means services provided by a licensed skilled-care  
13 facility, nursing facility, nursing home, or intermediate-care facility, excluding  
14 intermediate-care facilities for the mentally retarded;
- 15 (14) "Person" means any individual, firm, partnership, joint venture, association,  
16 corporation, company, joint stock association, estate, trust, business trust, receiver,  
17 trustee, syndicate, cooperative, assignee, governmental unit or agency, or any other  
18 group or combination acting as a unit and the legal successor thereof;
- 19 (15) "Provider" means any person receiving gross revenues for the provision of health-  
20 care items or services in Kentucky, excluding any facility operated by the federal  
21 government; and
- 22 (16) "Secretary" means the secretary of the Revenue Cabinet or that person's authorized  
23 representative.

24 Section 21. KRS 142.307 is amended to read as follows:

25 A tax is hereby imposed at a rate of two percent (2%) on gross revenues received by each  
26 provider on or after July 15, 1994, for the provision of nursing-facility services,  
27 intermediate-care-facility services for the mentally retarded, licensed home-health-care

services, and HMO services. The tax imposed by this section shall apply to freestanding psychiatric hospitals if necessary waivers are obtained by the Cabinet for Human Resources, Cabinet for Health Services, or Cabinet for Health and Family Services from the Health Care Financing Administration or Centers for Medicare and Medicaid Services. The tax imposed by this section shall not apply to gross revenues received for dispensing outpatient prescription drugs subject to tax under KRS 142.311.

Section 22. KRS 154.12-203 is amended to read as follows:

(1) There is created the Kentucky Commission on Military Affairs. The commission shall be a separate administrative body of state government within the meaning of KRS Chapter 12.

(2) It shall be the purpose of the Kentucky Commission on Military Affairs to:

(a) Address matters of military significance to Kentucky;

(b) Maintain a cooperative and constructive relationship between state agencies and the military entities in Kentucky, as necessary to ensure coordination and implementation of unified, comprehensive, statewide strategies involved with, or affected by, the military;

(c) Advise the Governor, the General Assembly, the Kentucky congressional delegation, and other appropriate government officials on all matters in which the military services and the Commonwealth have mutual interests, needs, and concerns;

(d) Take action to promote and optimize state and Department of Defense initiatives that will improve the military value of Kentucky's National Guard, active, and reserve military force structure and installations, and improve the quality of life for military personnel residing in the Commonwealth;

(e) Coordinate, as necessary, the state's interest in future Department of Defense base closure and restructuring activities;

(f) Recommend state, federal, and local economic development projects which

- 1 would promote, foster, and support economic progress through military  
 2 presence in the Commonwealth;
- 3 (g) Promote and assist the private sector in developing spin-off investments,  
 4 employment, and educational opportunities associated with high-technology  
 5 programs and activities at Kentucky's military installations;
- 6 (h) Recommend to the Kentucky Economic Development Partnership the long-  
 7 range options and potential for the defense facilities located in Kentucky;
- 8 (i) Develop strategies to encourage military personnel to retire and relocate in  
 9 Kentucky and promote those leaving the military as a viable quality workforce  
 10 for economic development and industrial recruitment; and
- 11 (j) Allocate available grant money to qualified applicants to further the purposes  
 12 of paragraphs (a) to (i) of this subsection.
- 13 (3) The Kentucky Commission on Military Affairs shall consist of:
- 14 (a) The Governor, or his designated representative;
- 15 (b) The secretary of the Cabinet for Economic Development, or his designated  
 16 representative;
- 17 (c) The adjutant general of the Commonwealth, or his designated representative;
- 18 (d) The executive director of the Kentucky Long-Term Policy Research Center, or  
 19 his designated representative;
- 20 (e) The secretaries of the following cabinets, or their designees:
- 21 1. Finance and Administration;
- 22 2. ~~Families and Children;~~
- 23 3. ~~Justice;~~
- 24 3.~~4.~~ Natural Resources and Environmental Protection;
- 25 4.~~5.~~ Transportation;
- 26 5.~~6.~~ Workforce Development;
- 27 6.~~7.~~ Education, Arts, and Humanities;

- 1           ~~7.~~~~[8.]~~ Health ***and Family*** Services;
- 2           ~~8.~~~~[9.]~~ Revenue; and
- 3           ~~9.~~~~[10.]~~ Labor;
- 4       (f) The Attorney General, or his designee;
- 5       (g) The commissioner of the Department of Veterans' Affairs or a designee;
- 6       (h) The executive director of the Kentucky Commission on Military Affairs or a
- 7           designee;
- 8       (i) Kentucky's Civilian Aide to the Secretary of the United States Army;
- 9       (j) Two (2) members of the Kentucky General Assembly, with experience in or
- 10           an interest in military and defense-related issues, one (1) member to be
- 11           appointed by the President of the Senate, and one (1) member to be appointed
- 12           by the Speaker of the House;
- 13       (k) The commander or the designee of the commander of each of the following as
- 14           nonvoting, ex officio members:
- 15           1. Fort Campbell;
- 16           2. Fort Knox;
- 17           3. United States Army Recruiting Command;
- 18           4. Bluegrass Army Depot;
- 19           5. Louisville District of the United States Army Corps of Engineers;
- 20           6. The One Hundredth Training Division;
- 21           7. Technology Park of Greater Louisville; and
- 22           8. Any other installation or organization, including but not limited to the
- 23           United States Coast Guard, Air Force, Navy, and Marine Corps, with a
- 24           military mission in the Commonwealth; and
- 25       (l) Five (5) at-large members appointed by the Governor who shall be residents
- 26           of counties significantly impacted by military installations.
- 27       (4) The terms of the five (5) at-large members shall be staggered so that two (2)

1 appointments shall expire at two (2) years, one (1) appointment shall expire at three  
2 (3) years, and two (2) appointments shall expire at four (4) years, from the dates of  
3 initial appointment.

4 (5) (a) The commission shall establish an executive committee consisting of the  
5 secretary of the Cabinet for Economic Development, the adjutant general of  
6 the Commonwealth, the commissioner of the Department of Veterans' Affairs,  
7 the executive director of the Kentucky Commission on Military Affairs, and  
8 the five (5) at-large members. The chair and vice chair of the Kentucky  
9 Commission on Military Affairs shall be appointed by the Governor from  
10 among the members of the executive committee.

11 (b) The chair and vice chair of the commission shall also serve as chair and vice  
12 chair of the executive committee.

13 (c) The executive committee shall serve as the search committee for an executive  
14 director of the commission and shall have any other authority the commission  
15 delegates to it.

16 (6) The commission shall meet two (2) times each year, and may meet at other times on  
17 call of the chair, to establish the commission's goals and to review issues identified  
18 and recommendations made by the executive committee. A majority of the  
19 members shall constitute a quorum for the transaction of the commission's business.  
20 Members' designees shall have voting privileges at commission meetings.

21 (7) Members of the commission shall serve without compensation, but shall be  
22 reimbursed for their necessary travel expenses actually incurred in the discharge of  
23 their duties on the commission, subject to Finance and Administration Cabinet  
24 administrative regulations.

25 (8) The commission may establish committees or work groups composed of  
26 commission members and citizens as necessary to advise the commission in  
27 carrying out its responsibilities, duties, and powers. Citizen members of committees



1 or work groups shall not have a vote.

2 (9) The commission may promulgate necessary administrative regulations as prescribed  
3 by KRS Chapter 13A.

4 (10) The commission may adopt bylaws and operating policies necessary for its efficient  
5 and effective operation.

6 (11) There shall be an executive director, who shall be the administrative head and chief  
7 executive officer of the commission, recommended by the executive committee,  
8 approved by the commission, and appointed by the Governor. The executive  
9 director shall have authority to hire staff, contract for services, expend funds, and  
10 operate the normal business activities of the commission.

11 (12) The Kentucky Commission on Military Affairs and its executive committee shall be  
12 an independent agency attached to the Office of the Governor.

13 Section 23. KRS 163.506 is amended to read as follows:

14 (1) The Commission on the Deaf and Hard of Hearing shall consist of:

15 (a) Seven (7) members appointed by the Governor as follows:

- 16 1. One (1) audiologist chosen from a list of three (3) names submitted by  
17 the Kentucky Speech and Hearing Association;
- 18 2. Three (3) hard of hearing or deaf persons chosen from a list of six (6)  
19 names submitted by the Kentucky Association of the Deaf;
- 20 3. One (1) deaf or hard of hearing person chosen from a list of three (3)  
21 names submitted by the Kentucky Chapter of the Alexander Graham  
22 Bell Association for the Deaf, the initial appointment to be for a one (1)  
23 year term;
- 24 4. One (1) hard of hearing or deaf person chosen from a list of three (3)  
25 names submitted by the Kentucky members of Self Help for Hard of  
26 Hearing People, the initial appointment to be for a two (2) year term;  
27 and

- 1           5. One (1) deaf, late-deafened, or hard of hearing person chosen from a list  
 2           of three (3) names submitted by the American Association of Retired  
 3           Persons, the initial appointment to be for a two (2) year term;
- 4           (b) One (1) representative of the Cabinet for Health and Family Services  
 5           appointed by the secretary;
- 6           (c) ~~One (1) representative of the Cabinet for Families and Children appointed by~~  
 7           ~~the secretary;~~
- 8           ~~(d)~~ The secretary of the Education, Arts, and Humanities Cabinet or his designee;
- 9           (d)~~(e)~~ The president of the Kentucky Association for the Deaf or his designee;
- 10          (e)~~(f)~~ The president of the Kentucky Registry of Interpreters for the Deaf or  
 11          his designee; and
- 12          (f)~~(g)~~ Three (3) persons appointed by the Commission on the Deaf and Hard of  
 13          Hearing as constituted in subsections (1)(a) through (1)(e)~~(f)~~ of this section,  
 14          appointed as follows:
- 15           1. One (1) parent of a hard of hearing or deaf child;
- 16           2. One (1) representative of a public or private organization providing  
 17           consistent services to the deaf and hard of hearing; and
- 18           3. One (1) member at large.
- 19          (2) All members shall serve three (3) year terms except state officials or their designees  
 20          who shall serve during their terms of office. Of the members appointed pursuant to  
 21          subsection (1)(a)2. through (1)(a)5. and subsection (1)(f)~~(g)~~ of this section, no  
 22          more than three (3) of those members shall have terms beginning in the same year.  
 23          Any person who is a member of the commission on July 13, 1990, shall serve until  
 24          he resigns or until his term expires.
- 25          (3) Each member of the commission shall be reimbursed for his necessary travel and  
 26          other expenses actually incurred in the discharge of his duties.
- 27          Section 24. KRS 194A.010 is amended to read as follows:

1 (1) The cabinet is the primary state agency for operating the public health, Medicaid,  
 2 certificate of need and licensure, and mental health and mental retardation programs  
 3 in the Commonwealth. The function of the cabinet is to improve the health of all  
 4 Kentuckians, including the delivery of population, preventive, reparative, and  
 5 containment health services in a safe and effective fashion, and to improve the  
 6 functional capabilities and opportunities of Kentuckians with disabilities. The  
 7 cabinet is to accomplish its function through direct and contract services for  
 8 planning and through the state health plan and departmental plans for program  
 9 operations, for program monitoring and standard setting, and for program  
 10 evaluation and resource management.

11 (2) The cabinet is the primary state agency responsible for leadership in protecting  
 12 and promoting the well-being of Kentuckians through the delivery of quality  
 13 human services. Recognizing that children are the Commonwealth's greatest  
 14 natural resource and that individuals and their families are the most critical  
 15 component of a strong society, the cabinet shall deliver social services to promote  
 16 the safety and security of Kentuckians and preserve their dignity. The cabinet  
 17 shall promote collaboration and accountability among local, public, and private  
 18 programs to improve the lives of families and children, including collaboration  
 19 with the Council on Accreditation for Children and Family Services or its  
 20 equivalent in developing strategies consistent with best practice standards for  
 21 delivery of services. The cabinet also shall administer income-supplement  
 22 programs that protect, develop, preserve, and maintain individuals, families, and  
 23 children in the Commonwealth.

24 Section 25. KRS 194A.030 is amended to read as follows:

25 The cabinet consists of the following major organizational units, which are hereby  
 26 created:

27 (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office

1 of Legislative and Public Affairs, an Office of Legal Services, and an Office of  
 2 Inspector General.

3 (a) The Office of Legislative and Public Affairs shall be responsible for the  
 4 development and implementation of the major legislative and policy  
 5 initiatives of the cabinet, and shall include oversight of administrative  
 6 hearings, legislative affairs, and communications with internal and external  
 7 audiences of the cabinet. The Office of Legislative and Public Affairs shall  
 8 be headed by an executive director who shall be appointed by the secretary  
 9 with the approval of the Governor under KRS 12.050.

10 (b) The Office of Legal Services shall provide legal advice and assistance to all  
 11 units of the cabinet in any legal action in which it may be involved. The  
 12 Office of Legal Services shall employ all attorneys of the cabinet who serve  
 13 the cabinet in the capacity of attorney, giving legal advice and opinions  
 14 concerning the operation of all programs in the cabinet. The Office of Legal  
 15 Services shall be headed by a general counsel who shall be appointed by the  
 16 secretary with the approval of the Governor under KRS 12.050 and 12.210.  
 17 The general counsel shall be the chief legal advisor to the secretary and  
 18 shall be directly responsible to the secretary. The Attorney General, on the  
 19 request of the secretary, may designate the general counsel as an assistant  
 20 attorney general under the provisions of KRS 15.105.

21 (c) The Office of Inspector General shall be responsible for:

22 1. The conduct of audits and investigations for detecting the perpetration  
 23 of fraud or abuse of any program by any client, or by any vendor of  
 24 services with whom the cabinet has contracted; and the conduct of  
 25 special investigations requested by the secretary, commissioners, or  
 26 office heads of the cabinet into matters related to the cabinet or its  
 27 programs;

1           2.   Licensing and regulatory functions as the secretary may delegate;

2           3.   Review of health facilities participating in transplant programs, as  
 3           determined by the secretary, for the purpose of determining any  
 4           violations of KRS 311.165 to 311.235 and KRS 311.241, 311.243,  
 5           311.245, and 311.247; and

6           4.   The notification and forwarding of any information relevant to  
 7           possible criminal violations to the appropriate prosecuting authority.

8           The Office of Inspector General shall be headed by an inspector general who  
 9           shall be appointed by the secretary with the approval of the Governor. The  
 10          inspector general shall be directly responsible to the secretary;

11       (2) Department for Medicaid Services. The Department for Medicaid Services shall  
 12       serve as the single state agency in the Commonwealth to administer Title XIX of the  
 13       Federal Social Security Act. The Department for Medicaid Services shall be headed  
 14       by a commissioner for Medicaid services, who shall be appointed by the secretary  
 15       with the approval of the Governor under with KRS 12.050. The commissioner for  
 16       Medicaid services shall be a person who by experience and training in  
 17       administration and management is qualified to perform the duties of this office. The  
 18       commissioner for Medicaid services shall exercise authority over the Department  
 19       for Medicaid Services under the direction of the secretary and shall only fulfill those  
 20       responsibilities as delegated by the secretary;

21       (3) Department for Public Health. The Department for Public Health shall develop and  
 22       operate all programs of the cabinet that provide health services and all programs for  
 23       assessing the health status of the population for the promotion of health and the  
 24       prevention of disease, injury, disability, and premature death. The Department for  
 25       Public Health shall be headed by a commissioner for public health who shall be  
 26       appointed by the secretary with the approval of the Governor under KRS 12.050.  
 27       The commissioner for public health shall be a duly licensed physician who by

1 experience and training in administration and management is qualified to perform  
 2 the duties of this office. The commissioner shall advise the head of each major  
 3 organizational unit enumerated in this section on policies, plans, and programs  
 4 relating to all matters of public health, including any actions necessary to safeguard  
 5 the health of the citizens of the Commonwealth. The commissioner shall serve as  
 6 chief medical officer of the Commonwealth. The commissioner for public health  
 7 shall exercise authority over the Department for Public Health under the direction of  
 8 the secretary and shall only fulfill those responsibilities as delegated by the  
 9 secretary;

10 (4) Department for Mental Health and Mental Retardation Services. The Department  
 11 for Mental Health and Mental Retardation Services shall develop and administer  
 12 programs for the prevention of mental illness, mental retardation, brain injury,  
 13 developmental disabilities, and substance abuse disorders~~[chemical dependency]~~  
 14 and shall develop and administer an array of services and support for the treatment,  
 15 habilitation, and rehabilitation of persons who have a mental illness or emotional  
 16 disability, who have mental retardation, brain injury, developmental disability, or a  
 17 substance abuse disorder~~[who are chemically dependent]~~. The Department for  
 18 Mental Health and Mental Retardation Services shall be headed by a commissioner  
 19 for mental health and mental retardation who shall be appointed by the secretary  
 20 with the approval of the Governor under KRS 12.050. The commissioner for mental  
 21 health and mental retardation shall be by training and experience in administration  
 22 and management qualified to perform the duties of the office. The commissioner for  
 23 mental health and mental retardation shall exercise authority over the department  
 24 under the direction of the secretary and shall only fulfill those responsibilities as  
 25 delegated by the secretary;

26 ~~(5) Office of the Inspector General. The Office of the Inspector General shall be~~  
 27 ~~responsible for:~~

~~(a) The conduct of audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the cabinet has contracted; and the conduct of special investigations requested by the secretary, commissioners, or office heads of the cabinet into matters related to the cabinet or its programs;~~

~~(b) Licensing and regulatory functions as the secretary may delegate;~~

~~(c) Review of health facilities participating in transplant programs, as determined by the secretary, for the purpose of determining any violations of KRS 311.165 to 311.235 and KRS 311.241, 311.243, 311.245, and 311.247; and~~

~~(d) The notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority.~~

~~— The Office of the Inspector General shall be headed by an inspector general who shall be appointed by the secretary with the approval of the Governor. The inspector general shall be directly responsible to the secretary;~~

(6)} Commission for Children with Special Health Care Needs. The duties, responsibilities, and authority set out in KRS 200.460 to 200.490 shall be performed by the commission. The commission shall advocate the rights of children with disabilities and, to the extent that funds are available, shall provide the services and facilities for children with disabilities as are deemed appropriate by the commission. The commission shall be composed of seven (7) members appointed by the Governor to serve a term of office of four (4) years. The commission may promulgate administrative regulations under KRS Chapter 13A as may be necessary to implement and administer its responsibilities. The duties, responsibilities, and authority of the Commission for Children with Special Health Care Needs shall be performed through the office of the executive director of the commission. The executive director shall be appointed by the Governor under KRS 12.040, and the commission may at any time recommend the removal of the executive director upon

1 filing with the Governor a full written statement of its reasons for removal. The  
 2 executive director shall report directly to the Commission for Children with Special  
 3 Health Care Needs and serve as the commission's secretary;

4 ~~(6)~~~~(7)~~ Office of Certificate of Need. The duties, responsibilities, and authority  
 5 pertaining to the certificate of need functions and the licensure appeal functions, as  
 6 set out in KRS Chapter 216B, shall be performed by this office;

7 ~~(7)~~~~(8)~~ Department for Human Support Services. The Department for Human  
 8 Support Services shall streamline the various responsibilities associated with the  
 9 human services programs for which the cabinet is responsible. This shall include,  
 10 but not be limited to, oversight of the Division of Aging Services, the Division of  
 11 Child Abuse and Domestic Violence Services, the Division of Women's Physical  
 12 and Mental Health, the Division of Family Resource and Youth Services Centers,  
 13 and the Kentucky Commission on Community Volunteerism and Services. The  
 14 Department for Human Support Services shall be headed by a commissioner for  
 15 human support services who shall be appointed by the secretary with the approval  
 16 of the Governor under KRS 12.050. The commissioner for human support  
 17 services shall be by training and experience in administration and management  
 18 qualified to perform the duties of the office. The commissioner for human  
 19 support services shall exercise authority over the department under the direction  
 20 of the secretary and shall only fulfill those responsibilities as delegated by the  
 21 secretary;

22 (8) Office of the Ombudsman. The Office of the Ombudsman shall provide  
 23 professional support in the evaluation of programs, including but not limited to  
 24 quality improvement and information analysis and reporting, including contract  
 25 monitoring, program monitoring, and the development of quality service delivery,  
 26 and a review and resolution of citizen complaints about programs or services of  
 27 the cabinet when those complaints are unable to be resolved through normal



administrative remedies. The Office of the Ombudsman shall place an emphasis on research and best practice and program accountability and shall monitor federal compliance. The Office of the Ombudsman shall be headed by an executive director who shall be appointed by the secretary with the approval of the Governor under KRS 12.050;

(9) Office of Technology. The Office of Technology shall develop and maintain technology, technology infrastructure, and information management systems in support of all units of the cabinet. The Office of Technology shall be headed by a chief information officer who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The chief information officer shall exercise authority over the Office of Technology under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;

(10) Office of Human Resource Management. The Office of Human Resource Management shall coordinate, oversee, and execute all personnel, training, and management functions of the cabinet. The office shall focus on the oversight, development, and implementation of quality personnel services; curriculum development and delivery of instruction to staff; the administration, management, and oversight of training operations; health, safety, and compliance training; and equal employment opportunity compliance functions. The office shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;

(11) Office of Fiscal Services. The Office of Fiscal Services shall coordinate, oversee, and execute the accounting, treasury, and financial reporting functions of the cabinet. The office shall be headed by a chief financial officer appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;

(12) Office of Contract Oversight. The Office of Contract Oversight shall coordinate, oversee, and execute the contracting and procurement processes of the cabinet

1 and shall maintain these processes in compliance with all applicable laws, rules,  
 2 regulations, and procedures. The office shall ensure that the cabinet executes its  
 3 contracting and procurement processes within the highest ethical standards and  
 4 with the utmost integrity. The office shall oversee existing contracts to assure that  
 5 the cabinet receives those services for which it has contracted or receives funds in  
 6 payment for services that it has provided by contract, and shall have responsibility  
 7 for determining that the cabinet maximizes the value of dollars spent by the  
 8 cabinet for commodities and services. The office shall be headed by an executive  
 9 director appointed by the secretary with the approval of the Governor in  
 10 accordance with KRS 12.050;

11 (13) Department for Community Based Services. The Department for Community  
 12 Based Services shall administer and be responsible for child and adult protection,  
 13 foster care and adoption, permanency, and services to enhance family self-  
 14 sufficiency, including child care, social services, public assistance, and family  
 15 and child support. The department shall be headed by a commissioner appointed  
 16 by the secretary with the approval of the Governor in accordance with KRS  
 17 12.050; and

18 (14) Department for Disability Determination Services. The Department for Disability  
 19 Determination Services shall serve as the state unit as required by Title II and  
 20 Title XVI of the Social Security Act, and shall have responsibility for determining  
 21 eligibility for disability for those citizens of the Commonwealth who file  
 22 applications for disability with the Social Security Administration. The  
 23 department shall also make determinations for citizens of the Commonwealth  
 24 who make application for the Kentucky Transitional Assistance Program and  
 25 determine medical exemptions for participants in the Kentucky Works Program.  
 26 The department shall be headed by a commissioner appointed by the secretary  
 27 with the approval of the Governor in accordance with KRS 12.050 [Office of the

~~General Counsel. The Office of the General Counsel shall provide legal advice and assistance to all units of the cabinet in any legal action in which it may be involved. The Office of the General Counsel shall employ all attorneys of the cabinet who serve the cabinet in the capacity of attorney and shall administer all personal service contracts of the cabinet for legal services. The Office of the General Counsel shall be headed by a general counsel who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The Attorney General, on the request of the secretary, may designate the general counsel as an assistant attorney general under the provisions of KRS 15.105;~~

~~(9) Office of Aging Services. The Office of Aging Services shall serve as the state unit on aging as required by the Older Americans Act of 1965, as amended, 42 U.S.C. secs. 3001 et seq., including having responsibility for the development of the state plan on aging, advocacy, planning, coordination, information sharing, brokering, reporting and evaluation of contract and service provider agreement implementation. The Office of Aging Services shall be headed by an executive director who shall be appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The Office of Aging Services shall also administer grants, programs, and initiatives designed to assist older Kentuckians, administer the long-term care ombudsman program for Kentucky, and provide and coordinate services to persons with Alzheimer's disease and related disorders and their caregivers].~~

Section 26. KRS 194A.050 is amended to read as follows:

- (1) The secretary shall formulate, promote, establish, and execute policies, plans, and programs and shall adopt, administer, and enforce throughout the Commonwealth all applicable state laws and all administrative regulations necessary under

1 applicable state laws to protect, develop, and maintain the health, personal dignity,  
 2 integrity, and sufficiency of the individual citizens of the Commonwealth and  
 3 necessary to operate the programs and fulfill the responsibilities vested in the  
 4 cabinet. The secretary shall promulgate, administer, and enforce those  
 5 administrative regulations necessary to implement programs mandated by federal  
 6 law, or to qualify for the receipt of federal funds and necessary to cooperate with  
 7 other state and federal agencies for the proper administration of the cabinet and its  
 8 programs.

9 (2) The secretary ~~may~~~~[shall]~~ utilize the Public Health Services Advisory Council to  
 10 review and make recommendations on contemplated administrative regulations  
 11 relating to initiatives of the Department for Public Health. No administrative  
 12 regulations issued under the authority of the cabinet shall be filed with the  
 13 Legislative Research Commission unless they are issued under the authority of the  
 14 secretary, and the secretary shall not delegate that authority.

15 (3) The secretary may utilize the Council for Families and Children to review and  
 16 make recommendations on contemplated administrative regulations relating to  
 17 initiatives of the Department for Community Based Services. No administrative  
 18 regulations issued under the authority of the cabinet shall be filed with the  
 19 Legislative Research Commission unless issued under the authority of the  
 20 secretary, and the secretary shall not delegate this authority.

21 (4) Except as otherwise provided by law, the secretary shall have authority to establish  
 22 by administrative regulation a schedule of reasonable fees, none of which shall  
 23 exceed one hundred dollars (\$100), to cover the costs of annual inspections of  
 24 efforts regarding compliance with program standards administered by the cabinet.  
 25 All fees collected for inspections shall be deposited in the State Treasury and  
 26 credited to a revolving fund account to be used for administration of those programs  
 27 of the cabinet. The balance of the account shall lapse to the general fund at the end

1 of each biennium. Fees shall not be charged for investigation of complaints.

2 Section 27. KRS 194A.090 is amended to read as follows:

3 (1) The cabinet shall include citizen advisory bodies within its structure to provide  
4 independent advice from the general public.

5 (2) A Public Health Services Advisory Council is created within the cabinet.

6 (a) The council ~~may~~shall advise the secretary for health and family services, the  
7 commissioner for public health, and officials of the Commonwealth on policy  
8 matters concerning the delivery of health services, including the assessment of  
9 needs, the development of program alternatives, the determination of  
10 priorities, the formulation of policy, the allocation of resources, and the  
11 evaluation of programs. The council shall be utilized by the cabinet to fulfill  
12 federal requirements for citizen's advisory councils associated with programs  
13 designed to provide health services and to advise the cabinet on the  
14 development and content of the state health plan.

15 (b) The council shall be composed of no more than nineteen (19) citizen members  
16 appointed by the Governor. Six (6) members of the council shall be chosen to  
17 broadly represent public interest groups concerned with health services,  
18 recipients of health services provided by the Commonwealth, minority groups,  
19 and the general public. Thirteen (13) members of the council shall represent  
20 providers of health care and not less than one-half (1/2) of the providers shall  
21 be direct providers of health care. At least one (1) of the direct providers of  
22 health care shall be a person engaged in the administration of a hospital, and  
23 one (1) shall be a physician in active practice. At least one (1) member shall  
24 be a registered sanitarian or sanitary engineer, one (1) a public health nurse,  
25 one (1) a member of the current minority advisory council, and one (1) a  
26 practicing public health physician. Nominations for health care provider  
27 members of the council shall be solicited from recognized health care provider

1 organizations. Membership of the council shall be geographically distributed  
 2 in order that area development districts are represented. Members shall serve  
 3 for terms of three (3) years. If a vacancy occurs, the person appointed as a  
 4 replacement shall serve only for the remainder of the vacated term. Members  
 5 shall serve until the term begins for their appointed successors. No member  
 6 shall serve more than two (2) consecutive terms. The chair of the council shall  
 7 be appointed by the Governor. The secretary for health and family services  
 8 and the commissioner for public health shall be nonvoting, ex officio  
 9 members of the council, and the commissioner for public health shall be a  
 10 staff director for, and secretary to, the council. The council shall meet at least  
 11 quarterly and on other occasions as may be necessary on the call of the  
 12 secretary for health and family services or the commissioner for public health.  
 13 A majority of the appointed members shall constitute a quorum.

14 (3) An Institute for Aging is created within the cabinet.

15 (a) The institute shall advise the secretary for health and family services and  
 16 other officials of the Commonwealth on policy matters relating to the  
 17 development and delivery of services to the aged.

18 (b) The institute shall be composed of no more than fifteen (15) citizen members  
 19 appointed by the Governor. Members of the institute shall be chosen to  
 20 broadly represent public interest groups concerned with the needs of the aged,  
 21 professionals involved in the delivery of services to the aged, minority groups,  
 22 recipients of state-provided services to the aged, and the general public. The  
 23 Governor shall appoint a chair of the institute. The secretary for health and  
 24 family services shall be a nonvoting, ex officio member of, staff director for,  
 25 and secretary to the institute. The institute shall meet at least quarterly and on  
 26 other occasions as may be necessary, on the call of the secretary for health and  
 27 family services. A majority of the appointed members shall constitute a

quorum.

**(4) A Council for Families and Children is created within the cabinet.**

**(a) The council may advise the secretary for health and family services, the commissioner for community based services, and other officials of the Commonwealth on policy matters relating to the human service needs.**

**(b) The council shall be composed of no more than twenty-one (21) citizen members appointed by the Governor. Members of the council shall be chosen to broadly represent public interest groups concerned with social insurance and social service programs operated by the Commonwealth, professionals involved in the delivery of human services, minority groups, the poor, the disadvantaged, recipients of human services provided by the state, and the general public. The Governor shall appoint the chair of the council. The secretary for health and family services and the commissioner for community based services shall be nonvoting, ex officio members of the council, and the commissioner for community based services shall be staff director for, and secretary to, the council. The council shall meet at least quarterly and on other occasions as may be necessary, on call of the secretary for health and family services. A majority of appointed members shall constitute a quorum.**

**(c) When the Council for Families and Children is assigned a responsibility for qualifying the Commonwealth for federal programs with representations and membership formulas that conflict with the council's membership, the secretary may create special subcommittees to this citizens' body that meet federal requirements.**

Section 28. KRS 194A.190 is amended to read as follows:

The Public Health Services Advisory Council, Council for Families and Children, and the Advisory Council for Medical Assistance and the Institute for Aging shall be

1 empowered to accept gifts and grants, but all of these moneys shall be administered by  
 2 the cabinet, which shall administer these funds through appropriate trust and agency  
 3 accounts.

4 Section 29. KRS 194A.200 is amended to read as follows:

5 The members of the Council for Families and Children, Public Health Services  
 6 Advisory Council, and ~~of~~ the Institute for Aging shall receive no compensation for their  
 7 services but shall be allowed the necessary expenses incurred through the performance of  
 8 their duties as members of this citizens' council. No member of a citizens' council shall be  
 9 held to be a public officer by reason of membership on a council.

10 Section 30. KRS 194A.505 is amended to read as follows:

11 (1) No person shall, with intent to defraud, knowingly make a false statement or  
 12 misrepresentation or by other means fail to disclose a material fact used in  
 13 determining the person's qualification to receive benefits under any assistance  
 14 program.

15 (2) No person shall, with intent to defraud, fail to report a change in the factors  
 16 affecting the person's eligibility for benefits.

17 (3) No person shall, with intent to defraud, knowingly use, attempt to use, acquire,  
 18 transfer, forge, alter, traffic, counterfeit, or possess a medical identification card,  
 19 food stamp or food stamp identification card, or unique electronic authorization  
 20 codes or numbers or electronic personal identification numbers in any manner not  
 21 authorized by law.

22 (4) No person having responsibility for the administration of an assistance program  
 23 shall, having knowledge that it is in violation of the law, knowingly aid or abet any  
 24 person in obtaining benefits to which the person is not legally entitled, or in  
 25 obtaining a benefit amount greater than that to which the person is fully entitled.

26 (5) No person shall misappropriate or attempt to misappropriate food stamp  
 27 authorization-to-purchase card, or food stamp identification card, or a Medicaid



1 identification card or misappropriate other benefits from any program with which  
 2 the person has been assigned responsibility, nor shall the person knowingly fail to  
 3 report any of these activities when it is clearly in violation of the law.

4 (6) No person shall, with intent to defraud or deceive, devise a scheme or plan a  
 5 scheme or artifice to obtain benefits from any assistance program by means of false  
 6 or fraudulent representations or intentionally engage in conduct that advances the  
 7 scheme or artifice.

8 (7) No person shall aid and abet another individual in acts prohibited in subsections (1)  
 9 to (6) of this section knowing it to be in violation of the law.

10 (8) The Attorney General on behalf of the Commonwealth of Kentucky may commence  
 11 proceedings to enforce this section, and the Attorney General shall in undertaking  
 12 these proceedings exercise all powers and perform all duties that a prosecuting  
 13 attorney would otherwise perform or exercise.

14 Section 31. KRS 194B.100 is repealed, reenacted as a new section of KRS Chapter  
 15 194A, and amended to read as follows:

16 The Kentucky General Assembly finds that the various departments, agencies, and  
 17 entities providing care and treatment to children in placement and their families often do  
 18 so without appropriate collaboration of policies and services or appropriate and necessary  
 19 sharing of relevant information. The General Assembly declares that the purpose of  
 20 **Section 32 of this Act**[KRS 194B.102] is to establish a structure for coordinated strategic  
 21 planning, policy development, and information reporting and sharing among and across  
 22 departments, agencies, and entities that provide care and services to children in  
 23 placement.

24 Section 32. KRS 194B.102 is repealed, reenacted as a new section of KRS Chapter  
 25 194A, and amended to read as follows:

26 (1) There is hereby created the "Statewide Strategic Planning Committee for Children  
 27 in Placement" which is administratively attached to the Department for Community

1 Based Services. The committee shall be composed of the following:

2 (a) Members who shall serve by virtue of their positions: the secretary of the  
 3 Cabinet for Health and Family Services~~[Families and Children]~~ or the  
 4 secretary's designee, the commissioner of the Department for Public Health,  
 5 the commissioner of the Department for Mental Health and Mental  
 6 Retardation Services, the commissioner for the Department for Medicaid  
 7 Services, the commissioner of the Department for Community Based  
 8 Services, the commissioner of the Department of Juvenile Justice, the  
 9 commissioner of the Department of Education, the executive director of the  
 10 Administrative Office of the Courts, or their designees; and

11 (b) One (1) foster parent selected by the statewide organization for foster parents,  
 12 one (1) District Judge selected by the Chief Justice of the Kentucky Supreme  
 13 Court, one (1) parent of a child in placement at the time of appointment to be  
 14 selected by the secretary of the Cabinet for Health and Family  
 15 Services~~[Families and Children]~~, one (1) youth in placement at the time of the  
 16 appointment to be selected by the secretary of the Cabinet for Health and  
 17 Family Services~~[Families and Children]~~, and one (1) private child care  
 18 provider selected by the statewide organization for private child care  
 19 providers. These members shall serve a term of two (2) years, and may be  
 20 reappointed.

21 (2) The Statewide Strategic Planning Committee for Children in Placement shall, by  
 22 July 1, 1999, develop a statewide strategic plan for the coordination and delivery of  
 23 care and services to children in placement and their families. The plan shall be  
 24 submitted to the Governor, the Chief Justice of the Supreme Court, and the  
 25 Legislative Research Commission on or before July 1, 1999, and each July 1  
 26 thereafter.

27 (3) The strategic plan shall, at a minimum, include:

- 1 (a) A mission statement;
  - 2 (b) Measurable goals;
  - 3 (c) Principles;
  - 4 (d) Strategies and objectives; and
  - 5 (e) Benchmarks.
- 6 (4) The planning horizon shall be three (3) years. The plan shall be updated on an  
7 annual basis. Strategic plan updates shall include data and statistical information  
8 comparing plan benchmarks to actual services and care provided.
- 9 (5) The Statewide Strategic Planning Committee for Children in Placement shall, in  
10 consultation with the commissioner and the statewide placement coordinator as  
11 provided for in KRS 199.801, establish a statewide facilities and services plan that  
12 identifies the location of existing facilities and services for children in placement,  
13 identifies unmet needs, and develops strategies to meet the needs. The planning  
14 horizon shall be five (5) years. The plan shall be updated on an annual basis. The  
15 plan shall be used to guide, direct, and, if necessary, restrict the development of new  
16 facilities and services, the expansion of existing facilities and services, and the  
17 geographic location of placement alternatives.
- 18 (6) The Statewide Strategic Planning Committee for Children in Placement may,  
19 through the promulgation of administrative regulations, establish a process that  
20 results in the review and approval or denial of the development of new facilities and  
21 services, the expansion of existing facilities and services, and the geographic  
22 location of any facilities and services for children in placement in accordance with  
23 the statewide facilities and services plan. Any process established shall include  
24 adequate due process rights for individuals and entities seeking to develop new  
25 services, construct new facilities, or expand existing facilities, and shall require the  
26 involvement of local communities and other resource providers in those  
27 communities.

1 (7) As a part of the statewide strategic plan, and in consultation with the Governor's  
2 Office for Technology, the Statewide Strategic Planning Committee for Children in  
3 Placement shall plan for the development or integration of information systems that  
4 will allow information to be shared across agencies and entities, so that relevant  
5 data will follow a child through the system regardless of the entity or agency that is  
6 responsible for the child. The data produced shall be used to establish and monitor  
7 the benchmarks required by subsection (3) of this section. The data system shall, at  
8 a minimum, produce the following information on a monthly basis:

- 9 (a) Number of placements per child;
- 10 (b) Reasons for placement disruptions;
- 11 (c) Length of time between removal and establishment of permanency;
- 12 (d) Reabuse or reoffense rates;
- 13 (e) Fatality rates;
- 14 (f) Injury and hospitalization rates;
- 15 (g) Health care provision rates;
- 16 (h) Educational achievement rates;
- 17 (i) Multiple placement rates;
- 18 (j) Sibling placement rates;
- 19 (k) Ethnicity matching rates;
- 20 (l) Family maintenance and preservation rate; and
- 21 (m) Adoption disruption rates.

22 (8) The Statewide Strategic Planning Committee for Children in Placement shall  
23 publish an annual report no later than December 1 of each year that includes, but is  
24 not limited to, the information outlined in subsection (7) of this section.

25 Section 33. KRS 194B.360 is repealed and reenacted as a new section of KRS  
26 Chapter 194A to read as follows:

27 The cabinet shall make an annual report to the Governor, the General Assembly, and the

Chief Justice. The report shall be tendered not later than December 1 of each year and shall include information for the previous fiscal year. The report shall include, but not be limited to, the following information:

- (1) The number of children under an order of dependent, status, public, or voluntary commitment to the cabinet, according to: permanency planning goals, current placement, average number of placements, type of commitment, and the average length of time children remain committed to the cabinet;
- (2) The number of children in the custody of the cabinet in the following types of residential placements, the average length of stay in these placements, and the average number of placements experienced by these children: family foster homes, private child care facilities, and placement with biological parent or person exercising custodial control or supervision;
- (3) The number of children in the custody of the cabinet eligible for adoption, the number placed in an adoptive home, and the number ineligible for adoption and the reasons therefor;
- (4) The cost in federal and state general funds to care for the children defined in subsections (1) and (2) of this section, including the average cost per child for each type of placement, direct social worker services, operating expenses, training, and administrative costs; and
- (5) Any other matters relating to the care of foster children that the cabinet deems appropriate and that may promote further understanding of the impediments to providing permanent homes for foster children.

Section 34. KRS 194B.370 is repealed, reenacted as a new section of KRS Chapter 194A, and amended to read as follows:

The Cabinet for **Health and Family Services**~~[Families and Children]~~ shall provide professional development for staff employed by the cabinet or by local public agencies in child development, the dynamics of physical and sexual abuse, the impact of violence on

1 child development, the treatment of offenders, and related issues. Each staff person who  
2 is employed by the cabinet or by a local public agency and who works with children or  
3 with families shall successfully complete the professional development program in order  
4 to remain assigned to child or family programs. The cabinet shall specify the manner of  
5 professional development and related matters by administrative regulation.

6 Section 35. KRS 194B.530 is repealed, reenacted as a new section of KRS Chapter  
7 194A, and amended to read as follows:

8 (1) The secretary for health and family services~~[families and children]~~ shall develop an  
9 initial training course and continuing education courses for employees of the  
10 Department for Community Based Services concerning the dynamics of domestic  
11 violence, effects of domestic violence on adult and child victims, legal remedies for  
12 protection, lethality and risk issues, model protocols for addressing domestic  
13 violence, available community resources and victim services, and reporting  
14 requirements. The training shall be developed in consultation with legal, victim  
15 services, victim advocacy, and mental health professionals with an expertise in  
16 domestic violence.

17 (2) Each person employed by the Department for Community Based Services who  
18 provides supervisory or direct service at the local, district, or state level shall  
19 successfully complete the initial training course and, at least once every two (2)  
20 years, the continuing education course developed under subsection (1) of this  
21 section.

22 Section 36. KRS 194B.535 is repealed, reenacted as a new section of KRS Chapter  
23 194A, and amended to read as follows:

24 (1) The secretary for health and family services~~[families and children]~~ shall  
25 promulgate administrative regulations under KRS Chapter 13A setting forth the  
26 requirements for initial training courses and continuing education courses for staff  
27 of agencies providing protective shelter services for victims of domestic violence.

The components of the training shall include the dynamics of domestic violence, effects of domestic violence on adult and child victims, legal remedies for protection, lethality and risk issues, model protocols for addressing domestic violence, available community resources and victims services, and reporting requirements. The training shall be developed in consultation with legal, victim services, victim advocacy, and mental health professionals with an expertise in domestic violence.

- (2) Each agency providing protective shelter services for victims of domestic violence shall develop and provide initial training courses and, at least once every two (2) years, continuing education courses which comply with the requirements developed pursuant to subsection (1) of this section, for staff of the agency.

Section 37. KRS 194B.570 is repealed, reenacted as a new section of KRS Chapter 194A, and amended to read as follows:

- (1) As used in **Sections 37 to 40 of this Act**~~[KRS 194B.570 to 194B.578]~~, "commission" means the Kentucky Commission on Community Volunteerism and Service.

- (2) The Kentucky Commission on Community Volunteerism and Service is created and shall be attached to~~[the Office of the Secretary of]~~ the Cabinet for **Health and Family Services**~~[Families and Children]~~ for oversight, technical, and administrative support purposes. A director and other appropriate staff shall be hired by the commission when federal funds become available.

Section 38. KRS 194B.572 is repealed and reenacted as a new section of KRS Chapter 194A to read as follows:

The commission shall initially consist of twenty-five (25) voting members who shall be appointed by the Governor. Membership on the commission shall be for a three (3) year term, with the exception that initially one third (1/3) of the members shall serve for a term of one (1) year, one-third (1/3) of the members shall serve for a term of two (2) years, and

1 one-third (1/3) of the members shall serve for a term of three (3) years. After the first six  
2 (6) months of operations, the Governor reserves the option to request the commission to  
3 submit recommendations for any additional members deemed necessary to balance the  
4 commission's perspective, provided that the commission's membership does not exceed  
5 twenty-five (25). The commission shall annually select from its membership a chair to  
6 serve for a term of one (1) year.

7 Section 39. KRS 194B.575 is repealed and reenacted as a new section of KRS  
8 Chapter 194A to read as follows:

9 The purpose of the commission is to engage in statewide strategic planning, establish  
10 relevant policies, provide administrative oversight, and promote programs and strengthen  
11 the service ethic among the Commonwealth's citizens by facilitating the development of  
12 strategic programs that enable citizens to address serious societal problems including, but  
13 not limited to, education reform through service to local communities.

14 Section 40. KRS 194B.578 is repealed and reenacted as a new section of KRS  
15 Chapter 194A to read as follows:

16 The commission shall:

- 17 (1) Develop a strategic plan for service in Kentucky which covers a three (3) year  
18 period, and supporting efforts to achieve the goals of this plan. The plan shall be  
19 updated annually;
- 20 (2) Oversee and submit Kentucky's annual applications to the Corporation for National  
21 Service, the federal funding authority, and other funding sources for the  
22 continuation and any expansion of the current KentuckyServe initiative;
- 23 (3) Conduct a competitive application process to determine the organizations that will  
24 be awarded subgrants to operate national service programs;
- 25 (4) Fulfill any other responsibilities required by the Corporation for National Service  
26 and other funding sources; and
- 27 (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to establish



operational guidelines for the commission.

Section 41. KRS 195.020 is amended to read as follows:

(1) The Cabinet for Health and Family Services~~[- and the Cabinet for Families and Children]~~ shall exercise all functions of the state in relation to:

(a) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, and aid to individuals who are blind and other individuals with disabilities.

(b) Administration and supervision of services to needy, neglected, and dependent children.

(2) All administrative functions of the nature outlined above, heretofore performed by other agencies of the state, are hereby transferred to and shall hereafter be performed by the Cabinet for Health and Family Services~~[- or the Cabinet for Families and Children]~~.

Section 42. KRS 195.105 is amended to read as follows:

(1) The secretary~~[secretaries]~~ for health and family services~~[- and for families and children]~~ in coordination with the Personnel Cabinet is~~[are]~~ authorized to establish formal training programs within the Cabinet for Health and Family Services~~[- and the Cabinet for Families and Children]~~ or within any of the departments, divisions, or sections of the cabinet~~[cabinets]~~ for the training of necessary personnel for the administration of the programs of the cabinet~~[cabinets]~~. When courses of study, applicable to the program processes of the cabinet~~[cabinets]~~, are not available through instruction within the cabinet~~[cabinets]~~, arrangements may be made for the training of employees in any public or private school or institution having available facilities for that purpose, and this training shall be deemed to be a part of the cabinet's~~[cabinets']~~ training program. Training of employees in public or private schools or institutions for this purpose shall be deemed a part of research

1 assignments to be completed during the period of study, these assignments to relate  
 2 directly to the work assignment of the employee. After consulting with the  
 3 Personnel Cabinet, position classifications in the research series shall be established  
 4 for employees on work study assignments, and funds of the cabinet~~[cabinets]~~ may  
 5 be used to pay salaries commensurate with the appropriate classification while the  
 6 employee is receiving such training.

- 7 (2) Any employee who is paid a salary while receiving such training shall be required to  
 8 enter into a contract, prior to receiving the training, that he will complete a specified  
 9 work assignment, and that unless he continues in the employ of the cabinet for at  
 10 least a period equivalent to the training period, immediately following the  
 11 completion of such training, the state will hold a claim against that person for the  
 12 amount of salary paid during the training period, and he will repay to the cabinet the  
 13 sum paid to him by the cabinet during the period of his training.

14 Section 43. KRS 198A.035 is amended to read as follows:

- 15 (1) The Kentucky Housing Corporation shall oversee the development and  
 16 implementation of the Kentucky housing policy. The corporation shall create an  
 17 advisory committee on housing policy consisting of the following:

- 18 (a) The following nine (9)~~[ten (10)]~~ state government members, or their duly-  
 19 appointed designees: the commissioner of education; commissioner of the  
 20 Department for Local Government; commissioner of the Department of  
 21 Housing, Buildings and Construction;~~[secretary of the Cabinet for Families~~  
 22 ~~and Children;]~~ secretary of the Natural Resources and Environmental  
 23 Protection Cabinet; secretary of the Cabinet for Health and Family Services;  
 24 executive director of the Human Rights Commission; state historic  
 25 preservation officer; secretary of the Transportation Cabinet; and executive  
 26 director of the Kentucky Housing Corporation.

- 27 (b) At-large members shall be appointed by the chairman of the board of directors

of the Kentucky Housing Corporation. There shall be one (1) at-large representative for each of the following:

1. Public housing authorities;
2. Mortgage banking industry;
3. Manufactured housing industry;
4. Realtors;
5. Homebuilders;
6. Urban nonprofit housing organizations;
7. Rural nonprofit housing organizations;
8. Urban advocates for the homeless;
9. Rural advocates for the homeless;
10. Residents of economically-diverse urban neighborhoods;
11. Residents of economically-diverse rural neighborhoods;
12. Rental property providers;
13. Advocates for persons with physical disabilities;
14. Advocates for persons with mental disabilities;
15. The Kentucky State Building Trades Council;
16. The Kentucky League of Cities; and
17. The Kentucky Association of Counties.

(c) One (1) member of the Senate and one (1) member of the House of Representatives.

(2) State government members and General Assembly members shall serve on the advisory committee during the term of their elected or appointed state government positions. Members appointed as provided by subsection (1)(b) of this section shall be appointed for four (4) year terms, except that initially five (5) shall be appointed for two (2) year terms, six (6) shall be appointed for three (3) year terms, and six (6) shall be appointed for four (4) year terms.

- 1 (3) The advisory committee shall meet at least quarterly and hold additional meetings  
2 as necessary. Eleven (11) members of the committee shall constitute a quorum for  
3 the purposes of conducting business and exercising its powers for all purposes.
- 4 (4) Any vacancy shall be filled as provided by the requirements and procedures for the  
5 initial appointment and only for the remainder of the term of the initial appointment.
- 6 (5) Any at-large member may be removed at any time, with or without cause, by  
7 resolution of a majority of the board of directors of the corporation.
- 8 (6) The advisory committee shall consult with and advise the officers and directors of  
9 the corporation concerning matters relating to the Kentucky housing policy.
- 10 (7) The corporation shall annually report its findings and recommendations regarding  
11 the Kentucky housing policy to the Governor and the Interim Joint Committee on  
12 Local Government of the Legislative Research Commission.
- 13 (8) The advisory committee shall elect a presiding officer from among its members and  
14 may establish its own rules of procedure which shall not be inconsistent with the  
15 provisions of this chapter.
- 16 (9) Members of the advisory committee shall serve without compensation. Members  
17 who are not employees of the Commonwealth shall be entitled to reimbursement for  
18 actual expenses incurred in carrying out their duties on the committee.
- 19 (10) The Kentucky Housing Corporation shall provide the staff and funding for the  
20 administrative activities of the advisory committee. The Kentucky Housing  
21 Corporation shall perform all budgeting, procurement, and other administrative  
22 activities necessary to the functioning of the advisory committee. The advisory  
23 committee may authorize studies as it deems necessary and utilize Kentucky  
24 Housing Corporation funds and other available resources from the public or private  
25 sector to provide housing needs data.

26 Section 44. KRS 199.011 is amended to read as follows:

27 As used in this chapter, unless the context otherwise requires:

- 1 (1) "Secretary" means the secretary for health and family services~~[families and~~  
2 ~~children]~~;
- 3 (2) "Cabinet" means the Cabinet for Health and Family Services~~[Families and~~  
4 ~~Children]~~;
- 5 (3) "Department" means the Department for Community Based Services;
- 6 (4) "Child" means any person who has not reached his eighteenth birthday;
- 7 (5) "Adult adopted person" means any adopted person who is twenty-one (21) years of  
8 age or older;
- 9 (6) "Child-caring facility" means any institution or group home, including institutions  
10 and group homes that are publicly operated, providing residential care on a twenty-  
11 four (24) hour basis to children, not related by blood, adoption, or marriage to the  
12 person maintaining the facility, other than an institution or group home certified by  
13 an appropriate agency as operated primarily for educational or medical purposes, or  
14 a residential program operated or contracted by the Department of Juvenile Justice  
15 that maintains accreditation, or obtains accreditation within two (2) years of  
16 opening from a nationally recognized accrediting organization;
- 17 (7) "Child-placing agency" means any agency licensed by the cabinet which supervises  
18 the placement of children in foster family homes or child-caring facilities, or which  
19 places children for adoption;
- 20 (8) "Adoption worker" means an employee of the cabinet so designated by the secretary  
21 for health and family services~~[families and children]~~, a social worker employed by  
22 a county or city who has been approved by the cabinet to handle, under its  
23 supervision, adoption placement services to children, or a social worker employed  
24 by or under contract to a child-placing adoption agency;
- 25 (9) "Foster family home" means a private home in which children are placed for foster  
26 family care under supervision of the cabinet or of a licensed child-placing agency;
- 27 (10) "Group home" means a homelike facility, excluding Department of Juvenile Justice

- 1       operated or contracted facilities, for not more than eight (8) foster children, not  
2       adjacent to or part of an institutional campus, operated by a sponsoring agency for  
3       children who may participate in community activities and use community resources;
- 4       (11) "Institution" means a child-caring facility providing care or maintenance for nine (9)  
5       or more children;
- 6       (12) "Family rehabilitation home" means a child-caring facility for appropriate families  
7       and comprising not more than twelve (12) children and two (2) staff persons;
- 8       (13) "Placement services" means those social services customarily provided by a  
9       licensed child-placing or a public agency which are necessary for the arrangement  
10      and placement of children in foster family homes, child-placing facilities, or  
11      adoptive homes. Placement services are provided through a licensed child-placing  
12      or a public agency for children who cannot be cared for by their biological parents  
13      and who need and can benefit from new and permanent family ties established  
14      through legal adoption. Licensed child-placing agencies and public agencies have a  
15      responsibility to act in the best interests of children, biological parents, and adoptive  
16      parents by providing social services to all the parties involved in an adoption; and
- 17      (14) "Voluntary and informed consent" means that at the time of the execution of the  
18      consent the consenting person was fully informed of the legal effect of the consent,  
19      that the consenting person was not given or promised anything of value except those  
20      expenses allowable under KRS 199.590(6), that the consenting person was not  
21      coerced in any way to execute the consent, and that the consent was voluntarily and  
22      knowingly given. If at the time of the execution of the consent the consenting  
23      person was represented by independent legal counsel, there shall be a presumption  
24      that the consent was voluntary and informed. The consent shall be in writing, signed  
25      and sworn to by the consenting person and include the following:
- 26      (a)   Date, time, and place of the execution of the consent;
- 27      (b)   Name of the child, if any, to be adopted and the date and place of the child's

- 1 birth;
- 2 (c) Consenting person's relationship to the child;
- 3 (d) Identity of the proposed adoptive parents or a statement that the consenting
- 4 person does not desire to know the identification of the proposed adoptive
- 5 parents;
- 6 (e) A statement that the consenting person understands that the consent will be
- 7 final and irrevocable under this paragraph unless withdrawn under this
- 8 paragraph.
- 9 1. If placement approval by the secretary is required, the voluntary and
- 10 informed consent shall become final and irrevocable twenty (20) days
- 11 after the later of the placement approval or the execution of the
- 12 voluntary and informed consent. This consent may be withdrawn only by
- 13 written notification sent to the proposed adoptive parent or the attorney
- 14 for the proposed adoptive parent on or before the twentieth day by
- 15 certified or registered mail and also by first class mail.
- 16 2. If placement approval by the secretary is not required, the voluntary and
- 17 informed consent shall become final and irrevocable twenty (20) days
- 18 after the execution of the voluntary and informed consent. This consent
- 19 may be withdrawn only by written notification sent to the proposed
- 20 adoptive parent or the attorney for the proposed adoptive parent on or
- 21 before the twentieth day by certified or registered mail and also by first
- 22 class mail;
- 23 (f) Disposition of the child if the adoption is not adjudged;
- 24 (g) A statement that the consenting person has received a completed and signed
- 25 copy of the consent at the time of the execution of the consent;
- 26 (h) Name and address of the person who prepared the consent, name and address
- 27 of the person who reviewed and explained the consent to the consenting

1 person, and a verified statement from the consenting person that the consent  
2 has been reviewed with and fully explained to the consenting person; and

- 3 (i) Total amount of the consenting person's legal fees, if any, for any purpose  
4 related to the execution of the consent and the source of payment of the legal  
5 fees.

6 Section 45. KRS 199.640 is amended to read as follows:

- 7 (1) Any facility or agency seeking to conduct, operate, or maintain any child-caring  
8 facility or child-placing agency shall first obtain a license to conduct, operate, or  
9 maintain the facility or agency from the cabinet.

- 10 (2) The cabinet shall:

- 11 (a) Develop standards, as provided in subsection (5) of this section, which must  
12 be met by any facility or agency seeking to be licensed to conduct, operate, or  
13 maintain a child-caring facility or child-placing agency;

- 14 (b) Issue licenses to any facility or agency found to meet established standards  
15 and revoke or suspend a license after a hearing in any case that a facility or  
16 agency holding a license is determined to have substantially failed to conform  
17 to the requirements of the standards;

- 18 (c) Establish and follow procedures designed to insure that any facility or agency  
19 licensed to conduct, operate, or maintain a child-caring facility or child-  
20 placing agency complies with the requirements of the standards on an ongoing  
21 basis.

- 22 (3) Licenses shall be issued for a period of one (1) year from date of issue unless  
23 revoked by the cabinet. Each licensed facility or agency shall be visited and  
24 inspected at least one (1) time each year by a person authorized by the cabinet and  
25 meeting specific qualifications established by the secretary of the cabinet in an  
26 administrative regulation. A complete report of the visit and inspection shall be  
27 filed with the cabinet.



1 (4) Each license issued shall specify the type of care or service the licensee is  
2 authorized to perform. Each initial application for a license shall be accompanied by  
3 a fee of one hundred dollars (\$100) and shall, except for provisional licenses, be  
4 renewable annually upon expiration and reapplication when accompanied by a fee  
5 of fifty dollars (\$50). The fees collected by the secretary shall be deposited in the  
6 State Treasury and credited to a revolving fund account for the purpose of carrying  
7 out the provisions of this section. The balance of said account shall lapse to the  
8 general fund at the end of each biennium.

9 (5) (a) The secretary shall promulgate administrative regulations establishing basic  
10 standards of care and service for child-caring facilities and child-placing  
11 agencies relating to the health and safety of all children in the care of the  
12 facility or agency, the basic components for a quality program, as referenced  
13 below, and any other factors as may be necessary to promote the welfare of  
14 children cared for or placed by the agencies and facilities. Standards  
15 established may vary depending on the capacity of the agency or facility  
16 seeking licensure. These administrative regulations shall establish standards  
17 that insure that:

- 18 1. The treatment program offered by the facility or agency is directed  
19 toward child safety, improved child functioning, improved family  
20 functioning, and continuity and permanence for the child;
- 21 2. The facility or agency has on staff, or has contracted with, individuals  
22 who are qualified to meet the treatment needs of the children being  
23 served, including their psychological and psychiatric needs;
- 24 3. The facility or agency has procedures in place to insure that its staff  
25 receives ongoing training and that all staff members who are required to  
26 do so meet all regional and national standards;
- 27 4. The facility or agency develops an integrated, outcomes-based treatment

- 1 plan that meets the health, mental health, education, safety, and security
- 2 needs of each child in its care;
- 3 5. The facility or agency has procedures in place to include parents, family,
- 4 and other caregivers in a child's treatment program;
- 5 6. The facility or agency has procedures in place whereby it evaluates its
- 6 programs on a quarterly basis and documents changes in the program if
- 7 the results of the review indicate a change is needed;
- 8 7. The facility or agency makes available quality programs for substance
- 9 abuse prevention and treatment with providers licensed under KRS
- 10 Chapter 222 as part of its treatment services;
- 11 8. The facility or agency initiates discharge planning at admission and
- 12 provides sufficient aftercare; and
- 13 9. The facility or agency has procedures in place that outline the structure
- 14 and objectives of cooperative relationships with the community within
- 15 which it is located and the local school district.
- 16 (b) The secretary shall promulgate regulations establishing recordkeeping and
- 17 reporting requirements and standards for licensed agencies and facilities that
- 18 recognize the electronic storage and retrieval of information for those facilities
- 19 that possess the necessary technology and that include, at a minimum, the
- 20 following information relating to children in the care of the agency or facility:
- 21 1. The name, age, social security number, county of origin, and all former
- 22 residences of the child;
- 23 2. The names, residences, and occupations, if available, of the child's
- 24 parents;
- 25 3. The date on which the child was received by the agency or facility; the
- 26 date on which the child was placed in a foster home or made available
- 27 for adoption; and the name, occupation, and residence of any person

1 with whom a child is placed; and

2 4. A brief and continuing written narrative history of each child covering  
3 the period during which the child is in the care of the agency or facility.

4 (c) The secretary may promulgate administrative regulations creating separate  
5 licensure standards for different types of facilities.

6 (d) The secretary shall promulgate administrative regulations to establish  
7 practices and procedures for the inspection of child-caring facilities and child-  
8 placing agencies. These administrative regulations shall establish a uniform  
9 reporting mechanism that includes guidelines for enforcement.

10 (6) Any administrative regulations promulgated pursuant to KRS Chapter 13A to  
11 govern services provided by church-related privately operated child-caring agencies  
12 or facilities shall not prohibit the use of reasonable corporal physical discipline  
13 which complies with the provisions of KRS 503.110(1), including the use of  
14 spanking or paddling, as a means of punishment, discipline, or behavior  
15 modification and shall prohibit the employment of persons convicted of any sexual  
16 offense with any child-caring facility or child-placing agency.

17 (7) All records regarding children or facts learned about children and their parents and  
18 relatives by any licensed agency or facility shall be deemed confidential in the same  
19 manner and subject to the same provisions as similar records of the cabinet. The  
20 information thus obtained shall not be published or be open for public inspection  
21 except to authorized employees of the cabinet or of such licensed agency or facility  
22 in performance of their duties.

23 ~~[(8) Other than for the establishment of standards, the Cabinet for Families and Children~~  
24 ~~may contract with the Cabinet for Health Services to perform any or all of its~~  
25 ~~responsibilities under this section and KRS 199.670 relating to the licensing and~~  
26 ~~inspection of child-caring facilities and child-placing agencies.]~~

27 Section 46. KRS 199.801 is amended to read as follows:

- 1 (1) The department shall establish a procedure throughout the state that is designed to  
2 determine and expedite the placement of children who are in the custody of the  
3 department. The procedure shall utilize a statewide placement coordinator and  
4 district placement coordinators who may be state employees or employees of a  
5 contracted entity, and who shall be assigned and located in each of the department's  
6 districts.
- 7 (2) Upon determining that a child shall be removed from the current living  
8 arrangement, the social service worker with responsibility for the child shall contact  
9 the district placement coordinator to facilitate the placement. In consultation with  
10 the social service worker, the district placement coordinator shall determine the  
11 appropriate type of placement according to the child's circumstances and needs and  
12 shall attempt to locate the appropriate placement within the child's home county.
- 13 (3) The living arrangement and placement selected for the child shall be the type of  
14 facility that is determined to be the best alternative for the child that is in the closest  
15 proximity to the child's home county.
- 16 (4) If the type of placement that best suits the child's needs is not available in the child's  
17 home county, the district placement coordinator shall document the circumstance as  
18 an unmet need and may seek a placement in another county located within the home  
19 district of the child.
- 20 (5) If the type of placement that best suits the child's needs is not available in the child's  
21 home district, the district placement coordinator shall document the circumstance as  
22 an unmet need and may seek a placement in surrounding districts by contacting the  
23 statewide placement coordinator.
- 24 (6) If the type of placement that best suits the child's needs is not available in the  
25 districts surrounding the child's home district, the district placement coordinator  
26 shall document the circumstance as an unmet need and may seek a placement in any  
27 district within the state by contacting the statewide placement coordinator.

- 1 (7) If the type of placement that best suits the child's needs is not available within the  
 2 state, the statewide placement coordinator shall contact the commissioner of the  
 3 department or the commissioner's designee to explore placement options.
- 4 (8) The statewide placement coordinator and every district placement coordinator shall  
 5 compile information that identifies the unmet needs for their jurisdiction, and shall  
 6 submit the data and recommendations for meeting the unmet needs to the  
 7 commissioner of the department.
- 8 (9) The commissioner shall develop a state placement resource plan that identifies areas  
 9 of unmet need and strategies to meet the need. The plan shall be used to guide and,  
 10 if necessary, restrict the development of new facilities, the expansion of existing  
 11 facilities, and the geographic location of placement alternatives.
- 12 (10) The commissioner and the statewide planning coordinator shall assist the Statewide  
 13 Strategic Planning Committee for Children in Placement, created in Section 32 of  
 14 this Act~~[KRS 194B.102]~~, in the development of a statewide facilities services plan.  
 15 Section 47. KRS 199.8945 is amended to read as follows:
- 16 (1) The secretary~~[secretaries]~~ of the Cabinet for Health and Family Services~~[Families~~  
 17 ~~and Children and Cabinet for Health Services, or their designees,]~~ shall work to  
 18 achieve~~[collaborate on the expansion of the Healthy Start in Child Care Program.]~~  
 19 the goals of the Healthy Start in Child Care Program as follows~~[are]~~:
- 20 (a) To train and educate child-care providers in health and safety;  
 21 (b) Provide nutrition consultation to parents;  
 22 (c) Increase awareness of methods for the prevention of communicable diseases  
 23 in child-care settings; and  
 24 (d) Provide information to parents of children who attend child care.
- 25 (2) The Cabinet for Health and Family Services~~[Families and Children]~~ shall establish  
 26 technical assistance positions dedicated to child care within the Kentucky child-care  
 27 resource and referral agencies in order to offer technical assistance to child-care

1 providers to upgrade quality in early child-care and education facilities.

2 Section 48. KRS 199.896 is amended to read as follows:

3 (1) No person, association, or organization shall conduct, operate, maintain, or  
4 advertise any child-care center without obtaining a license as provided in KRS  
5 199.892 to 199.896.

6 (2) The secretary may promulgate administrative regulations pursuant to KRS Chapter  
7 13A relating to license fees and may establish standards of care and service for a  
8 child-care center, criteria for the denial of a license if criminal records indicate  
9 convictions that may impact the safety and security of children in care, and  
10 procedures for enforcement of penalties.

11 (3) Each initial application for a license shall be made to the cabinet and shall be  
12 accompanied by a fee of not more than fifty dollars (\$50) and shall be renewable  
13 annually upon expiration and reapplication when accompanied by a fee of twenty-  
14 five dollars (\$25). Regular licenses and renewals thereof shall expire one (1) year  
15 from their effective date.

16 (4) No child-care center shall be refused a license or have its license revoked for failure  
17 to meet standards set by the secretary until after the expiration of a period not to  
18 exceed six (6) months from the date of the first official notice that the standards  
19 have not been met. If, however, the cabinet has probable cause to believe that an  
20 immediate threat to the public health, safety, or welfare exists, the cabinet may take  
21 emergency action pursuant to KRS 13B.125. All administrative hearings conducted  
22 under authority of KRS 199.892 to 199.896 shall be conducted in accordance with  
23 KRS Chapter 13B.

24 (5) If, upon inspection or investigation, the inspector general finds that a child-care  
25 center licensed under this section has violated the administrative regulations,  
26 standards, or requirements of the cabinet, the inspector general shall issue a  
27 statement of deficiency to the center containing:

- 1 (a) A statement of fact;
- 2 (b) A statement of how an administrative regulation, standard, or requirement of
- 3 the cabinet was violated; and
- 4 (c) The time frame, negotiated with the child-care center, within which a
- 5 violation is to be corrected, except that a violation that poses an immediate
- 6 threat to the health, safety, or welfare of children in the center shall be
- 7 corrected in no event later than five (5) working days from the date of the
- 8 statement of deficiency.
- 9 (6) The Cabinet for Health and Family Services~~[Families and Children]~~, in
- 10 consultation with the ~~[Cabinet for Health Services,]~~ Office of the Inspector General,
- 11 shall establish by administrative regulations promulgated in accordance with KRS
- 12 Chapter 13A an informal dispute resolution process containing at least two (2)
- 13 separate levels of review through which a child-care provider may dispute licensure
- 14 deficiencies that have an adverse effect on the child-care provider's license.
- 15 (7) A child-care center shall have the right to appeal to the Cabinet for Health and
- 16 Family Services under KRS Chapter 13B any action adverse to its license or the
- 17 assessment of a civil penalty issued by the inspector general as the result of a
- 18 violation contained in a statement of deficiency within twenty (20) days of the
- 19 issuance of the action or assessment of the civil penalty. An appeal shall not act to
- 20 stay the correction of a violation.
- 21 (8) In assessing the civil penalty to be levied against a child-care center for a violation
- 22 contained in a statement of deficiency issued under this section, the inspector
- 23 general or the inspector general's designee shall take into consideration the
- 24 following factors:
- 25 (a) The gravity of the threat to the health, safety, or welfare of children posed by
- 26 the violation;
- 27 (b) The number and type of previous violations of the child-care center;

1 (c) The reasonable diligence exercised by the child-care center and efforts to  
2 correct the violation; and

3 (d) The amount of assessment necessary to assure immediate and continued  
4 compliance.

5 (9) Upon a child-care center's failure to take action to correct a violation of the  
6 administrative regulations, standards, or requirements of the cabinet contained in a  
7 statement of deficiency, or at any time when the operation of a child-care center  
8 poses an immediate threat to the health, safety, or welfare of children in the center,  
9 and the child-care center continues to operate after the cabinet has taken emergency  
10 action to deny, suspend, or revoke its license, the cabinet or the cabinet's designee  
11 shall take at least one (1) of the following actions against the center:

12 (a) Institute proceedings to obtain an order compelling compliance with the  
13 administrative regulations, standards, and requirements of the cabinet;

14 (b) Institute injunctive proceedings in Circuit Court to terminate the operation of  
15 the center;

16 (c) Institute action to discontinue payment of child-care subsidies; or

17 (d) Suspend or revoke the license or impose other penalties provided by law.

18 (10) Upon request of any person, the cabinet shall provide information regarding the  
19 denial, revocation, suspension, or violation of any type of child-care center license  
20 of the operator. Identifying information regarding children and their families shall  
21 remain confidential.

22 (11) The cabinet shall provide, upon request, public information regarding the  
23 inspections of and the plans of correction for the child-care center within the past  
24 year. All information distributed by the cabinet under this subsection shall include a  
25 statement indicating that the reports as provided under this subsection from the past  
26 five (5) years are available from the child-care center upon the parent's, custodian's,  
27 guardian's, or other interested person's request.



- 1 (12) All fees collected under the provisions of KRS 199.892 to 199.896 for license and  
 2 certification applications shall be paid into the State Treasury and credited to a  
 3 special fund for the purpose of administering KRS 199.892 to 199.896 including the  
 4 payment of expenses of and to the participants in child-care workshops. The funds  
 5 collected are hereby appropriated for the use of the cabinet. The balance of the  
 6 special fund shall lapse to the general fund at the end of each biennium.
- 7 (13) Any advertisement for child-care services shall include the address of where the  
 8 service is being provided.
- 9 (14) All inspections of licensed and unlicensed child-care centers by~~[ the Cabinet for~~  
 10 ~~Families and Children and]~~ the Cabinet for Health **and Family** Services shall be  
 11 unannounced.
- 12 (15) All employees and owners of a child-care center who provide care to children shall  
 13 demonstrate within the first three (3) months of employment completion of at least  
 14 a total of six (6) hours of orientation in the following areas:
- 15 (a) Basic health, safety, and sanitation;  
 16 (b) Recognizing and reporting child abuse; and  
 17 (c) Developmentally appropriate child-care practice.
- 18 (16) All employees and owners of a child-care center who provide care to children shall  
 19 annually demonstrate to the department completion of at least six (6) hours of  
 20 training in child development.
- 21 (17) The Cabinet for **Health and Family Services**~~[Families and Children]~~ shall make  
 22 available either through the development or approval of a model training curriculum  
 23 and training materials, including video instructional materials, to cover the areas  
 24 specified in subsection (15) of this section. The cabinet shall develop or approve the  
 25 model training curriculum and training materials to cover the areas specified in  
 26 subsection (15) of this section.
- 27 (18) Child-care centers licensed pursuant to this section and family child-care homes

1 certified pursuant to KRS 199.8982 shall not use corporal physical discipline,  
2 including the use of spanking, shaking, or paddling, as a means of punishment,  
3 discipline, behavior modification, or for any other reason. For the purposes of this  
4 section, "corporal physical discipline" means the deliberate infliction of physical  
5 pain and does not include spontaneous physical contact which is intended to protect  
6 a child from immediate danger.

7 (19) Directors and employees of child-care centers in a position that involves  
8 supervisory or disciplinary power over a minor, or direct contact with a minor, shall  
9 submit to a criminal record check in accordance with KRS 17.165. The application  
10 shall be denied if the applicant has been found by the Cabinet for Health and  
11 Family Services~~[Families and Children]~~ or a court to have abused or neglected a  
12 child or has been convicted of a violent crime or sex crime as defined in KRS  
13 17.165.

14 (20) A director or employee of a child-care center may be employed on a probationary  
15 status pending receipt of the criminal background check. Application for the  
16 criminal record of a probationary employee shall be made no later than the date  
17 probationary employment begins.

18 Section 49. KRS 200.700 is amended to read as follows:

19 (1) The Early Childhood Development Authority is established as a public agency and  
20 political subdivision of the Commonwealth with all powers, duties, and  
21 responsibilities conferred upon it by statute and essential to perform its functions  
22 including, but not limited to, employing other persons, consultants, attorneys, and  
23 agents. The authority shall be attached to the Office of the Governor, Office of  
24 Early Childhood Development, for administrative purposes and shall establish  
25 necessary advisory councils. The authority shall have the ability to make  
26 expenditures from the early childhood development fund and shall ensure that  
27 expenditures made from the early childhood development fund are in conformance

1 with its duties as established by the General Assembly.

2 (2) The authority shall consist of the following sixteen (16)~~seventeen (17)~~ members:

3 (a) The executive director of the Governor's Office of Early Childhood  
4 Development, who shall serve as chair;

5 (b) The secretary of the Education, Arts, and Humanities Cabinet;

6 (c) The secretary of the Cabinet for Health and Family Services;

7 ~~(d) The secretary of the Cabinet for Families and Children;~~

8 ~~(e)~~ One (1) nonvoting ex officio member from the House of Representatives who  
9 shall be appointed by and serve at the pleasure of the Speaker of the House;

10 (f)~~(f)~~ One (1) nonvoting ex officio member from the Senate who shall be  
11 appointed by and serve at the pleasure of the President of the Senate;

12 (g)~~(g)~~ Seven (7) private sector members knowledgeable about the health,  
13 education, and development of preschool children who shall be appointed by  
14 the Governor. At least one (1) private sector member shall be appointed from  
15 each congressional district;

16 (h)~~(h)~~ Three (3) citizens at large of the Commonwealth who shall be appointed  
17 by the Governor; and

18 (i)~~(i)~~ One (1) early childhood development advocate.

19 (3) No later than thirty (30) days after July 14, 2000, the governing bodies of each of  
20 the following organizations shall recommend three (3) persons, at least one (1) of  
21 whom shall be male and at least one (1) of whom shall be female, as candidates for  
22 initial appointment by the Governor as private sector members to the authority:

23 (a) The Kentucky AFL-CIO;

24 (b) The Kentucky Chamber of Commerce;

25 (c) The Kentucky League of Cities;

26 (d) The Kentucky Medical Association;

27 (e) The Louisville Urban League and Lexington Urban League;

- 1 (f) The Kentucky County Judge/Executives Association; and
- 2 (g) The Kentucky Council on Postsecondary Education.
- 3 (4) The Governor shall select the private sector members of the authority by selecting
- 4 one (1) nominee from each list of the three (3) nominees submitted to the Governor
- 5 by each organization listed under subsection (3) of this section. The Governor shall
- 6 fill a vacancy occurring before the expiration of the appointed term from the
- 7 appropriate list of nominees. If there are no nominees remaining on the appropriate
- 8 list, the Governor shall request a list of additional nominees from the appropriate
- 9 organization.
- 10 (5) (a) The initial terms of the private sector and citizen at-large members of the
- 11 authority shall be for:
- 12 1. One (1) year for two (2) of the initial terms;
- 13 2. Two (2) years for three (3) of the initial terms;
- 14 3. Three (3) years for two (2) of the initial terms; and
- 15 4. Four (4) years for four (4) of the initial appointments.
- 16 (b) All succeeding appointments shall be for four (4) years from the expiration
- 17 date of the preceding appointment.
- 18 (c) Members shall serve until a successor has been appointed.
- 19 (6) Private sector and citizen at-large members shall serve without compensation but
- 20 shall be reimbursed for reasonable and necessary expenses.
- 21 (7) In making appointments to the authority, the Governor shall assure broad
- 22 geographical, ethnic, and gender diversity representation from the major sectors of
- 23 Kentucky's early childhood development community. In filling vacancies, the
- 24 Governor shall attempt to assure the continuing representation on the authority of
- 25 broad constituencies of Kentucky's early childhood development community.
- 26 (8) Upon the expiration of the term of any member, the governing body of the
- 27 organization that made the original recommendation shall recommend three (3)

persons, at least one (1) of whom shall be male and at least one (1) of whom shall be female, between sixty (60) and thirty (30) days before the expiration of the term of any authority member who is appointed as a result of a previous recommendation. The Governor shall, during March of the year that any organization is to recommend three (3) persons, request the organization to recommend three (3) persons for possible appointment to the authority. If there is no response, the Governor shall make the appointment from the population of the Commonwealth.

(9) The authority shall meet at least quarterly and at other times upon call of the chair or a majority of the authority.

(10) Members of the authority shall serve on a voluntary basis, receive a fixed per diem set by the authority, and be reimbursed for their expenses in accordance with state travel expense and reimbursement administrative regulations.

Section 50. KRS 200.703 is amended to read as follows:

(1) The authority shall establish priorities for programs and the expenditure of funds that include, but are not limited to, the following:

(a) Implementation of public health initiatives identified by the General Assembly;

(b) Provision of preconceptional and prenatal vitamins, with priority for folic acid for the prevention of neural tube defects;

(c) Voluntary immunization for children not covered by public or private health insurance;

(d) Availability of high-quality, affordable early child-care and education options; and

(e) Increased public awareness of the importance of the early childhood years for the well-being of all Kentucky's citizens.

(2) The authority shall develop a state plan on a biennial basis that identifies early

1 childhood development funding priorities. Every two (2) years the authority shall  
2 review its priorities and make necessary adjustments to its state plan. The state plan  
3 shall incorporate priorities included in "KIDS NOW: Kentucky Invests in  
4 Developing Success, a Report from the Governor's Early Childhood Task Force,  
5 November 1999," and recommendations identified by the community early  
6 childhood councils. The authority shall file a report on the state plan with the  
7 Governor and the Legislative Research Commission by July 15 of odd-numbered  
8 years.

9 (3) Programs funded by the authority shall be implemented by the appropriate agencies  
10 within the Cabinet for Health and Family Services; ~~the Cabinet for Families and~~  
11 ~~Children;~~ the Education, Arts, and Humanities Cabinet; the Finance and  
12 Administration Cabinet; or other appropriate administrative agency.

13 (4) The authority shall assure that a public hearing is held on the expenditure of funds.  
14 Advertisement of the public hearing shall be published at least once but may be  
15 published two (2) more times, if one (1) publication occurs not less than seven (7)  
16 days nor more than twenty-one (21) days before the scheduled date of the public  
17 hearing.

18 (5) The authority shall promulgate administrative regulations in accordance with KRS  
19 Chapter 13A to:

20 (a) Coordinate and improve early childhood development services, outcomes, and  
21 policies;

22 (b) Establish procedures that relate to its governance;

23 (c) Designate service areas of the Commonwealth where the community early  
24 childhood councils may be established to identify and address the early  
25 childhood development needs of young children and their families for the  
26 communities that they serve;

27 (d) Establish procedures that relate to the monitoring of grants, services, and

- 1 activities of the community early childhood councils and their governance;
- 2 (e) Establish procedures for accountability and measurement of the success of
- 3 programs that receive funds from the authority; and
- 4 (f) Establish standards for the payment of funds to a designated service provider
- 5 and grantee of a community early childhood council. These standards shall
- 6 include requirements relating to:
- 7 1. The financial management of funds paid to grantees;
- 8 2. The maintenance of records; and
- 9 3. An independent audit of the use of grant funds.
- 10 (6) The authority may disband or suspend a council, and may remove one (1) or more
- 11 members for nonperformance or malfeasance. The authority may also recover funds
- 12 that have been determined by the authority to have been misappropriated or
- 13 misspent in relation to a grant award.
- 14 (7) An appeal to the authority may be made by a council as to a decision made by the
- 15 authority on the disbanding or suspension of a council, service provider, or grantee
- 16 on a determination that funds have been misappropriated or misspent and are
- 17 subject to recovery. The appeal shall be conducted in accordance with KRS Chapter
- 18 13B.
- 19 (8) The authority, councils established by the authority, and initiatives funded by the
- 20 authority with expenditures from the early childhood development fund shall expire
- 21 when:
- 22 (a) Funds are no longer designated to the Commonwealth from the master
- 23 settlement agreement signed on November 22, 1998, between the participating
- 24 tobacco manufacturers and the forty (40) settling states or related federal
- 25 legislation; or
- 26 (b) Funds are no longer designated to the early childhood development fund from
- 27 gifts, grants, or federal funds to fund the authority, the councils established by

- 1 the authority, or any programs that had been funded by the authority with  
 2 expenditures from the early childhood development fund.
- 3 (9) (a) The authority shall establish a Healthy Babies Work Group, consisting of  
 4 representatives from~~[the Cabinet for Families and Children;]~~ the Cabinet for  
 5 Health and Family Services; public schools; local libraries; the Kentucky  
 6 March of Dimes; family resource centers; agencies that provide benefits under  
 7 the Special Supplementation Food Program for Women, Infants, and  
 8 Children; the Folic Acid Awareness Campaign; physicians; secondary health  
 9 education and consumer sciences teachers; the Spina Bifida Association of  
 10 Kentucky; and other persons as appropriate. Representatives shall reflect the  
 11 geographic, racial, and gender diversity of the Commonwealth.
- 12 (b) The Healthy Babies Work Group shall collaborate on development and  
 13 implementation of a public awareness campaign to inform the citizens of the  
 14 Commonwealth about the benefits of good nutrition, folic acid, smoking  
 15 cessation, and healthy lifestyle choices that lead to healthy babies, the effects  
 16 of alcohol and substance abuse on fetal and early childhood development, and  
 17 the need for a vision examination of children at age three (3). The work group  
 18 shall work with local health departments for the vision examination outreach  
 19 program.
- 20 (10) The authority shall work with local entities, including, but not limited to, health  
 21 departments and service providers, to establish to the extent of available funding a  
 22 vision examination program for children who are not eligible for the Kentucky  
 23 Children's Health Insurance Program or Medicaid, and who do not have insurance  
 24 coverage for a vision examination.
- 25 (11) The authority shall develop a request for proposal process by which local early  
 26 childhood councils may request any funding appropriated to the authority for use by  
 27 the councils.



Section 51. KRS 205.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Cabinet" means the Cabinet for Health and Family Services~~[Families and Children. For the purposes of KRS 205.510 to 205.645 and KRS 205.8451 to 205.8483, "cabinet" means the Cabinet for Health Services];~~

(2) "Secretary" means the secretary for health and family services~~[families and children] or his authorized representative[. For the purposes of KRS 205.510 to 205.645 and KRS 205.8451 to 205.8483, "secretary" means the secretary of the Cabinet for Health Services or his authorized representative];~~

(3) "Public assistance" means money grants, assistance in kind, or services to or for the benefit of needy aged, needy blind, needy permanently and totally disabled persons, needy children, or persons with whom a needy child lives or a family containing a combination of these categories, except that the term shall not be construed to permit the granting of financial aid where the purpose of such aid is to obtain an abortion. For purposes of this section and KRS 205.560, "abortion" means an act, procedure, device, or prescription administered or prescribed for a pregnant woman by any person, including the pregnant woman herself, producing premature expulsion of the fetus. Abortion does not include an induced premature birth intended to produce a live viable child;

(4) "Needy child" means a child who has been deprived of parental support by reasons prescribed by regulations within the scope of Title IV of the Social Security Act, its amendments, and federal regulations and who does not have otherwise provided for him a subsistence compatible with decency and health;

(5) "Parent," in addition to biological or adoptive parent, shall include stepparent;

(6) "Needy aged" means a person who has attained the age of sixty-five (65) and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

- 1 (7) "Needy blind" means a person who has no vision or whose vision is so defective as  
2 to prevent the performance of ordinary activities for which eyesight is essential and  
3 who is unable to provide for himself and who does not have otherwise provided for  
4 him a subsistence compatible with decency and health;
- 5 (8) "Person with whom a needy child lives" means the individual prescribed by  
6 regulation, with whom such child is living in a place of residence maintained by  
7 such individual by himself or together with one (1) or more other persons;
- 8 (9) "Needy permanently and totally disabled" means a person eighteen (18) years of age  
9 or older and who has a permanent physical or mental impairment, disease, or loss  
10 that substantially precludes him from engaging in useful occupations within his  
11 competence and who is unable to provide for himself and who does not have  
12 otherwise provided for him a subsistence compatible with decency and health;
- 13 (10) "Private institution" means any establishment or place other than a public institution  
14 operated or maintained by any individual, association, corporation, or other  
15 organization which provides a group living arrangement for four (4) or more  
16 individuals, who are cared for and maintained in residence for compensation or  
17 otherwise;
- 18 (11) "Public institution" means any establishment or place which is the responsibility of  
19 and administered by the state or any political subdivision thereof providing a group  
20 living arrangement in which one (1) or more individuals are cared for and  
21 maintained in residence;
- 22 (12) "Public medical institution" means any public institution the primary purpose of  
23 which is to furnish hospital care and medical treatment;
- 24 (13) "Person determined to be potentially responsible" means any person who:
- 25 (a) Is not aged, blind, disabled, incapacitated, or needed in the home:
- 26 1. Because of the illness or incapacity of a member of the family; or
- 27 2. Because of children in the home under the age of six (6); or

1 (b) Volunteers for such determination;

2 (14) Nothing in this section shall be deemed to deprive a woman of all appropriate  
3 medical care necessary to prevent her physical death;

4 (15) "Adult day-care center" means any adult care facility which provides part-time care,  
5 day or night, but less than twenty-four (24) hours, to at least four (4) adults not  
6 related to the operator of the adult care facility by blood, marriage, or adoption.

7 Section 52. KRS 205.177 is amended to read as follows:

8 (1) Notwithstanding any existing state statute or regulation to the contrary, any  
9 pertinent information concerning individual clients, patients, or applicants in the  
10 possession of the Justice Cabinet, Cabinet for Health and Family Services,~~[- Cabinet~~  
11 ~~for Families and Children,]~~ Department of Education, or any other state or local  
12 governmental agency may be shared with any authorized representative of any other  
13 state or local governmental agency of similar function if the agency has a direct,  
14 tangible, legitimate interest in the individual concerned or his immediate family.

15 (2) Any state agency designated in subsection (1) of this section may share pertinent  
16 information concerning a client, patient, or applicant with any private or quasi-  
17 private agency when such agency has an agreement with that state agency assuring  
18 the confidentiality of all such information, and provided that the private or quasi-  
19 private agency has a direct, tangible, legitimate interest in the individual concerned  
20 or his immediate family.

21 Section 53. KRS 205.6336 is amended to read as follows:

22 (1) The secretary of the Finance and Administration Cabinet, after consultation with the  
23 secretary for the Cabinet for Health and Family Services, shall on a quarterly basis,  
24 certify to the Interim Committee on Appropriations and Revenue the general fund  
25 savings realized from the procedures required by KRS 205.6310 to 205.6332 and  
26 any other procedures adopted by the Cabinet for Health and Family Services~~[- or the~~  
27 ~~Kentucky Health Policy Board]~~ to control the cost of health care.

- 1 (2) The certification shall indicate the following:
- 2 (a) The means by which savings were achieved, including a description of the
- 3 discrete procedure used to achieve the savings; and
- 4 (b) The amount saved as a result of the specific procedure, including an
- 5 explanation as to the calculations and assumptions used in determining the
- 6 amount.
- 7 (3) The amount certified by the secretary under this section shall be transferred to a
- 8 trust account to be utilized by the secretary of the Cabinet for Health and Family
- 9 Services to provide health-care coverage for additional categories of citizens, but
- 10 the funds in the trust account shall not be spent until appropriated by the General
- 11 Assembly. The funds in the trust account shall not lapse. The secretary shall give
- 12 priority in utilizing any appropriated trust account funds to matching available
- 13 federal funds in the Medicaid program.
- 14 (4) Savings in the general fund appropriation for the Medicaid program shall be
- 15 determined as follows:
- 16 (a) To the extent that the average cost per month per eligible actually experienced
- 17 by the Medicaid program is less than the average cost per month per eligible
- 18 reflected in the enacted budget, the savings attributable to that difference shall
- 19 be deemed to be eligible for certification under this section.
- 20 (b) To the extent that the number of eligibles actually participating in the
- 21 Medicaid program is less than the number reflected in the enacted budget, the
- 22 savings attributable to that difference shall be deemed not eligible for
- 23 certification under this section.
- 24 (5) Savings in the general fund appropriation to the Department for Mental Health and
- 25 Mental Retardation Services shall be determined by certifying the amount of
- 26 Medicaid payments received by the department and the entities it funds that would
- 27 not have been received under the eligibility requirements for the Medicaid program

1 in effect for the 1993-1994 fiscal year.

2 (6) Savings in the general fund appropriation to the Department for Public Health shall  
3 be determined by certifying the amount of Medicaid payments received by the  
4 department and the entities it funds that would not have been received under the  
5 eligibility requirements for the Medicaid program in effect for the 1993-1994 fiscal  
6 year.

7 (7) Savings in the general fund appropriation to the Department for Community Based  
8 Services shall be determined by certifying the amount of Medicaid payments  
9 received by the department and the entities it funds that would not have been  
10 received under the eligibility requirements for the Medicaid program in effect for  
11 the 1993-1994 fiscal year.

12 (8) Only those savings that can be certified as being recurring shall be transferred to the  
13 trust fund.

14 Section 54. KRS 210.502 is amended to read as follows:

15 (1) There is created the Kentucky Commission on Services and Supports for  
16 Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual  
17 Diagnoses. The commission shall consist of:

18 (a) The secretary of the Cabinet for Health ***and Family*** Services;

19 (b) ~~[(b)] The secretary of the Cabinet for Families and Children;~~

20 ~~[(c)]~~ The secretary of the Justice Cabinet;

21 ~~[(c)]~~ ~~[(d)]~~ The commissioner of the Department for Mental Health and Mental  
22 Retardation Services;

23 ~~[(d)]~~ ~~[(e)]~~ The commissioner of the Department for Medicaid Services;

24 ~~[(e)]~~ ~~[(f)]~~ The commissioner of the Department of Corrections;

25 ~~[(f)]~~ ~~[(g)]~~ The commissioner of the Department of Juvenile Justice;

26 ~~[(g)]~~ ~~[(h)]~~ The commissioner of the Department of Education;

27 ~~[(h)]~~ ~~[(i)]~~ The commissioner of the Department of Vocational Rehabilitation;

(j)~~(i)~~ The director of the Protection and Advocacy Division of the Public Protection and Regulation Cabinet;

(j)~~(k)~~ The director of the Division~~Office~~ of Family Resource and Youth Services Centers;

(k)~~(l)~~ The~~executive~~ director of the Division~~Office~~ of Aging Services of the Cabinet for Health and Family Services;

(l)~~(m)~~ The executive director of the Kentucky Agency for Substance Abuse Policy;

(m)~~(n)~~ The executive director of the Criminal Justice Council;

(n)~~(o)~~ The director of the Administrative Office of the Courts;

(o)~~(p)~~ The chief executive officer of the Kentucky Housing Corporation;

(p)~~(q)~~ The executive director of the Office of Transportation Delivery of the Transportation Cabinet;

(q)~~(r)~~ The commissioner of the Department of Public Health;

(r)~~(s)~~ Three (3) members of the House of Representatives who are members of the Health and Welfare Committee or the Appropriations and Revenue Committee, appointed by the Speaker of the House;

(s)~~(t)~~ Three (3) members of the Senate who are members of the Health and Welfare Committee or the Appropriations and Revenue Committee, appointed by the Senate President;

(t)~~(u)~~ A chairperson and one (1) alternate who is a chairperson of a regional planning council appointed by the secretary of the Cabinet for Health and Family Services from a list of five (5) chairpersons submitted by the Kentucky Association of Regional Mental Health/Mental Retardation Programs;

(u)~~(v)~~ A consumer and one (1) alternate who is a consumer of mental health or substance abuse services, who is over age eighteen (18), appointed by the

secretary of the Cabinet for Health and Family Services from a list of up to three (3) consumers submitted by any consumer advocacy organization operating within Kentucky or submitted by any regional planning council established under KRS 210.506; and

~~(v)~~~~(w)}~~ An adult family member and one (1) alternate who is an adult family member of a consumer of mental health or substance abuse services appointed by the secretary of the Cabinet for Health and Family Services from a list of up to three (3) persons submitted by any family advocacy organization operating within Kentucky or submitted by any regional planning council established under KRS 210.506.

(2) The secretary of the Cabinet for Health and Family Services and one (1) member of the General Assembly appointed to the commission shall serve as co-chairs of the commission.

(3) Members designated in paragraphs (a) to ~~(s)~~~~(t)}~~ of subsection (1) of this section shall serve during their terms of office.

(4) Members and alternates designated in paragraphs ~~(u)~~~~(u)}~~ to ~~(v)~~~~(w)}~~ of subsection (1) of this section shall serve a term of two (2) years and may be reappointed for one (1) additional term. These members may be reimbursed for travel expenses in accordance with administrative regulations governing reimbursement for travel for state employees.

Section 55. KRS 210.575 is amended to read as follows:

(1) There is created the Kentucky Commission on Services and Supports for Individuals with Mental Retardation and Other Developmental Disabilities. The commission shall consist of:

(a) The secretary of the Cabinet for Health and Family Services;

~~(b)~~~~—The secretary of the Cabinet for Families and Children;~~

~~(e)}~~ The commissioner of the Department for Mental Health and Mental

1 Retardation Services;

2 ~~(c)~~~~(d)~~ The commissioner of the Department for Medicaid Services;

3 ~~(d)~~~~(e)~~ The commissioner of the Department of Vocational Rehabilitation;

4 ~~(e)~~~~(f)~~ The director of the University Affiliated Program at the Interdisciplinary  
5 Human Development Institute of the University of Kentucky;

6 ~~(f)~~~~(g)~~ The director of the Kentucky Council on Developmental Disabilities;

7 ~~(g)~~~~(h)~~ Two (2) members of the House of Representatives, appointed by the  
8 Speaker of the House;

9 ~~(h)~~~~(i)~~ Two (2) members of the Senate, appointed by the Senate President; and

10 ~~(i)~~~~(j)~~ Public members, appointed by the Governor as follows:

- 11 1. Five (5) family members, at least one (1) of whom shall be a member of  
12 a family with a child with mental retardation or other developmental  
13 disabilities, and one (1) of whom shall be a member of a family with an  
14 adult with mental retardation or other developmental disabilities. Of  
15 these five (5) family members, at least two (2) shall be members of a  
16 family with an individual with mental retardation or other  
17 developmental disabilities residing in the home of the family member or  
18 in a community-based setting, and at least two (2) shall be members of a  
19 family with an individual with mental retardation or other mental  
20 disabilities residing in an institutional residential facility that provides  
21 service to individuals with mental retardation or other developmental  
22 disabilities;
- 23 2. Three (3) persons with mental retardation or other developmental  
24 disabilities;
- 25 3. Two (2) business leaders;
- 26 4. Three (3) direct service providers representing the Kentucky Association  
27 of Regional Programs and the Kentucky Association of Residential



1 Resources; and

2 5. One (1) representative of a statewide advocacy group.

3 The six (6) appointments made under subparagraphs 1. and 2. of this  
4 paragraph shall be chosen to reflect representation from each of Kentucky's  
5 six (6) congressional districts.

6 (2) The secretary of the Cabinet for Health and Family Services shall serve as chair of  
7 the commission.

8 (3) Members defined in paragraphs (a) to ~~(h)~~~~(i)~~ of subsection (1) of this section shall  
9 serve during their terms of office. All public members appointed by the Governor  
10 shall serve a four (4) year term and may be reappointed for one (1) additional four  
11 (4) year term.

12 (4) All public members of the commission shall receive twenty-five dollars (\$25) per  
13 day for attending each meeting. All commission members shall be reimbursed for  
14 necessary travel and other expenses actually incurred in the discharge of duties of  
15 the commission.

16 Section 56. KRS 213.141 is amended to read as follows:

17 (1) Except as provided in subsection (2) of this section, the cabinet shall prescribe by  
18 regulation a fee not to exceed five dollars (\$5), to be paid for certified copies of  
19 certificates or records, or for a search of the files or records when no copy is made,  
20 or for copies or information provided for research, statistical, or administrative  
21 purposes.

22 (2) The cabinet shall prescribe by administrative regulation pursuant to KRS Chapter  
23 13A a fee not to exceed ten dollars (\$10) to be paid for a certified copy of a record  
24 of a birth, three dollars (\$3) of which shall be used by the Cabinet for Health and  
25 Family Services~~[or the Cabinet for Families and Children]~~ for the sole purpose of  
26 contracting for the operation of private, not-for-profit, self-help, education, and  
27 support groups for parents who want to prevent or cease physical, sexual, or mental

1 abuse of children, and one dollar (\$1) of which shall be used by the Division of  
2 ~~Adult~~~~[Maternal]~~ and Child Health Improvement to pay for amino acid modified  
3 preparations and low-protein modified food products for the treatment of inherited  
4 metabolic diseases listed in KRS 205.560(1)(c), if:

5 (a) The amino acid modified preparations or low-protein modified food products  
6 are prescribed for the therapeutic treatment of inherited metabolic diseases  
7 listed in KRS 205.560(1)(c) and are administered under the direction of a  
8 physician; and

9 (b) The affected person's amino acid modified formula and foods are not covered  
10 under any public or private health benefit plan.

11 (3) Fees collected under this section by the state registrar shall be used to help defray  
12 the cost of administering the system of vital statistics.

13 (4) (a) No fee or compensation shall be allowed or paid for furnishing certificates of  
14 birth or death required in support of any claim against the government for  
15 compensation, insurance, back pay, or other allowances or benefits for any  
16 person who has at any time served as a member of the Army, Navy, Marine  
17 Corps, or Air Force of the United States.

18 (b) No fee or compensation shall be allowed or paid for furnishing a certificate of  
19 birth to a member of the Kentucky National Guard who has received  
20 deployment orders during the sixty (60) days prior to the furnishing of the  
21 certificate.

22 (5) The cabinet shall notify the State Board of Elections monthly of the name, address,  
23 birthdate, sex, race, and Social Security number of residents of the Commonwealth  
24 who died during the previous month. This data shall include only those persons who  
25 were over the age of eighteen (18) years at the date of death. No fee or  
26 compensation shall be allowed for furnishing these lists.

27 Section 57. KRS 216.380 is amended to read as follows:

- 1 (1) The licensure category of critical access hospital is hereby created for existing  
2 licensed acute-care hospitals which qualify under this section for that status.
- 3 (2) It shall be unlawful to operate or maintain a critical access hospital without first  
4 obtaining a license from the Cabinet for Health and Family Services. An acute-care  
5 hospital converting to a critical access hospital shall not require a certificate of  
6 need. A certificate of need shall not be required for services provided on a  
7 contractual basis in a critical access hospital. A certificate of need shall not be  
8 required for an existing critical access hospital to increase its acute-care bed  
9 capacity to twenty-five (25) beds.
- 10 (3) Except as provided in subsection (4) of this section, only a hospital licensed as a  
11 general acute-care hospital may be relicensed as a critical access hospital if:
  - 12 (a) The hospital is located in a county in a rural area that is:
    - 13 1. Located more than a thirty-five (35) mile drive, or, where the terrain is  
14 mountainous or only secondary roads are available, located more than a  
15 fifteen (15) mile drive, from another acute-care hospital or critical access  
16 hospital; or
    - 17 2. Certified by the secretary as a necessary provider of health care services  
18 to area residents;
  - 19 (b) For the purposes of paragraph (a) of this subsection, a hospital shall be  
20 considered to be located in a rural area if the hospital is not in a county which  
21 is part of a standard metropolitan statistical area, the hospital is located in a  
22 rural census tract of a metropolitan statistical area as determined under the  
23 most recent modification of the Goldsmith Modification, or is designated by  
24 the state as a rural provider. The secretary shall designate a hospital as a rural  
25 provider if the hospital is not located in a county which has the largest county  
26 population of a standard metropolitan statistical area;
  - 27 (c) Except as provided in paragraph (d) of this subsection, the hospital provides

1 not more than twenty-five (25) acute care inpatient beds for providing acute  
 2 inpatient care for a period that does not exceed, as determined on an annual,  
 3 average basis, ninety-six (96) hours;

4 (d) If the hospital is operating swing beds under which the hospital's inpatient  
 5 hospital facilities are used for the provision of extended care services, the  
 6 hospital may be designated as a critical access hospital so long as the total  
 7 number of beds that may be used at any time for furnishing of either extended  
 8 care services or acute inpatient services does not exceed twenty-five (25) beds.  
 9 For the purposes of this section, any bed of a unit of the hospital that is  
 10 licensed as a nursing facility at the time the hospital applies to the state for  
 11 designation as a critical care access hospital shall not be counted.

12 (4) The secretary for health and family services may designate a facility as a critical  
 13 access hospital if the facility:

14 (a) Was a hospital that ceased operations on or after ten (10) years prior to April  
 15 21, 2000; or

16 (b) Was a hospital that was converted to a licensed primary care center, rural  
 17 health clinic, ambulatory health center, or other type of licensed health clinic  
 18 or health center and, as of the effective date of that conversion, meets the  
 19 criteria for licensure as a critical access hospital under this subsection or  
 20 subsection (3) of this section.

21 (5) A critical access hospital shall provide the following services:

22 (a) Twenty-four (24) hour emergency-room care that the secretary determines is  
 23 necessary for insuring access to emergency care services in each area served  
 24 by a critical access hospital; and

25 (b) Basic laboratory, radiologic, pharmacy, and dietary services. These services  
 26 may be provided on a part-time, off-site contractual basis.

27 (6) A critical access hospital may provide the following services:

- 1 (a) Swing beds or a distinct unit of the hospital which is a nursing facility in
- 2 accordance with KRS Chapter 216B and subject to approval under certificate
- 3 of need;
- 4 (b) Surgery;
- 5 (c) Normal obstetrics;
- 6 (d) Primary care;
- 7 (e) Adult day health care;
- 8 (f) Respite care;
- 9 (g) Rehabilitative and therapeutic services including, but not limited to, physical
- 10 therapy, respiratory therapy, occupational therapy, speech pathology, and
- 11 audiology, which may be provided on an off-site contractual basis;
- 12 (h) Ambulatory care;
- 13 (i) Home health services which may be established upon obtaining a certificate of
- 14 need; and
- 15 (j) Mobile diagnostic services with equipment not exceeding the major medical
- 16 equipment cost threshold pursuant to KRS Chapter 216B and for which there
- 17 are no review criteria in the State Health Plan.
- 18 (7) In addition to the services that may be provided under subsection (6) of this section,
- 19 a critical access hospital may establish the following units in accordance with
- 20 applicable Medicare regulations and subject to certificate of need approval:
- 21 (a) A psychiatric unit that is a distinct part of the hospital, with a maximum of ten
- 22 (10) beds; and
- 23 (b) A rehabilitation unit that is a distinct part of the hospital, with a maximum of
- 24 ten (10) beds notwithstanding any other bed limit contained in law or
- 25 regulation.
- 26 (8) Psychiatric unit and rehabilitation unit beds operated under subsection (7) of this
- 27 section shall not be counted in determining the number of beds or the average

1 length of stay of a critical access hospital for purposes of applying the bed and  
2 average length of stay limitations under paragraph (c) of subsection (3) of this  
3 section.

4 (9) The following staffing plan shall apply to a critical access hospital:

5 (a) The hospital shall meet staffing requirements as would apply under section  
6 1861(e) of Title XVIII of the Federal Social Security Act to a hospital located  
7 in a rural area except that:

8 1. The hospital need not meet hospital standards relating to the number of  
9 hours during a day, or days during a week, in which the hospital shall be  
10 open and fully staffed, except insofar as the facility is required to make  
11 available emergency services and nursing services available on a twenty-  
12 four (24) hour basis; and

13 2. The hospital need not otherwise staff the facility except when an  
14 inpatient is present; and

15 (b) Physician assistants and nurse practitioners may provide inpatient care within  
16 the limits of their statutory scope of practice and with oversight by a physician  
17 who is not required to be on-site at the hospital.

18 (10) A critical access hospital shall have a quality assessment and performance  
19 improvement program and procedures for review of utilization of services.

20 (11) A critical access hospital shall have written contracts assuring the following  
21 linkages:

22 (a) Secondary and tertiary hospital referral services which shall provide for the  
23 transfer of a patient to the appropriate level of care and the transfer of patients  
24 to the critical access hospital for recuperative care;

25 (b) Ambulance services;

26 (c) Home health services; and

27 (d) Nursing facility services if not provided on-site.

(12) If the critical access hospital is part of a rural health network, the hospital shall have the following:

(a) An agreement for patient referral and transfer, development, and use of communications systems including telemetry and electronic sharing of patient data, and emergency and nonemergency transportation; and

(b) An agreement for credentialing and quality assurance with a network hospital, peer review organization, or other appropriate and qualified entity identified in the state rural health plan.

(13) The Cabinet for Health and Family Services and any insurer or managed care program for Medicaid recipients that contracts with the Department for Medicaid Services for the receipt of Federal Social Security Act Title XIX funds shall provide for reimbursement of services provided to Medicaid recipients in a critical access hospital at rates that are at least equal to those established by the Federal Health Care Financing Administration or Centers for Medicare and Medicaid Services for Medicare reimbursement to a critical access hospital.

(14) The Cabinet for Health and Family Services shall promulgate administrative regulations pursuant to KRS Chapter 13A necessary to implement this section.

Section 58. KRS 216.583 is amended to read as follows:

The Long-Term Care Coordinating Council shall be composed of the following members from within the cabinet: the commissioner of the Department for Public Health; the commissioner of the Department for Mental Health and Mental Retardation Services; the inspector general; the director of the Division of Health Care Facilities and Services~~[Long Term Care]~~; the~~[executive]~~ director of the Division~~[Office]~~ of Aging Services; the commissioner of the Department for Medicaid Services; the general counsel; and the long-term care ombudsman.

Section 59. KRS 216.885 is amended to read as follows:

(1) It is unlawful to operate or maintain a PPEC center without first obtaining a

1 certificate of need~~[from the Kentucky Health Policy Board]~~ and a license for the  
 2 PPEC center from the cabinet. The cabinet is responsible for licensing PPEC  
 3 centers in accordance with the provisions of KRS Chapter 216B.

4 (2) Separate licenses are required for PPEC centers maintained on separate premises,  
 5 even though they are operated under the same management. Separate licenses are  
 6 not required for separate buildings on the same grounds.

7 (3) The Cabinet for Health and Family Services may deny, revoke, modify, or suspend  
 8 a license in accordance with KRS 216B.105.

9 Section 60. KRS 216B.015 is amended to read as follows:

10 Except as otherwise provided, for purposes of this chapter, the following definitions shall  
 11 apply:

12 (1) "Abortion facility" means any place in which an abortion is performed;

13 (2) "Administrative regulation" means a regulation adopted and promulgated pursuant  
 14 to the procedures in KRS Chapter 13A;

15 (3) "Affected persons" means the applicant; any person residing within the geographic  
 16 area served or to be served by the applicant; any person who regularly uses health  
 17 facilities within that geographic area; health facilities located in the health service  
 18 area in which the project is proposed to be located which provide services similar to  
 19 the services of the facility under review; health facilities which, prior to receipt by  
 20 the agency of the proposal being reviewed, have formally indicated an intention to  
 21 provide similar services in the future; and the cabinet and third-party payors who  
 22 reimburse health facilities for services in the health service area in which the project  
 23 is proposed to be located;

24 (4) "Applicant" means any physician's office requesting a major medical equipment  
 25 expenditure of one million five hundred thousand dollars (\$1,500,000) or more after  
 26 July 15, 1996, adjusted annually, or any person, health facility, or health service  
 27 requesting a certificate of need or license;



- 1 (5) "Cabinet" means the Cabinet for Health and Family Services;
- 2 (6) "Capital expenditure" means an expenditure made by or on behalf of a health  
3 facility which:
- 4 (a) Under generally accepted accounting principles is not properly chargeable as  
5 an expense of operation and maintenance or is not for investment purposes  
6 only; or
- 7 (b) Is made to obtain by lease or comparable arrangement any facility or part  
8 thereof or any equipment for a facility or part thereof;
- 9 (7) "Capital expenditure minimum" means one million five hundred thousand dollars  
10 (\$1,500,000) beginning with July 15, 1994, and as adjusted annually thereafter. In  
11 determining whether an expenditure exceeds the expenditure minimum, the cost of  
12 any studies, surveys, designs, plans, working drawings, specifications, and other  
13 activities essential to the improvement, expansion, or replacement of any plant or  
14 any equipment with respect to which the expenditure is made shall be included.  
15 Donations of equipment or facilities to a health facility which if acquired directly by  
16 the facility would be subject to review under this chapter shall be considered a  
17 capital expenditure, and a transfer of the equipment or facilities for less than fair  
18 market value shall be considered a capital expenditure if a transfer of the equipment  
19 or facilities at fair market value would be subject to review;
- 20 (8) "Certificate of need" means an authorization by the cabinet to acquire, to establish,  
21 to offer, to substantially change the bed capacity, or to substantially change a health  
22 service as covered by this chapter;
- 23 (9) "Certified surgical assistant" means a certified surgical assistant or certified first  
24 assistant who is certified by the National Surgical Assistant Association on the  
25 Certification of Surgical Assistants, the Liaison Council on Certification of Surgical  
26 Technologists, or the American Board of Surgical Assistants. The certified surgical  
27 assistant is an unlicensed health-care provider who is directly accountable to a

- 1 physician licensed under KRS Chapter 311 or, in the absence of a physician, to a  
2 registered nurse licensed under KRS Chapter 314;
- 3 (10) "Continuing care retirement community" means a community that provides, on the  
4 same campus, a continuum of residential living options and support services to  
5 persons sixty (60) years of age or older under a written agreement. The residential  
6 living options shall include independent living units, nursing home beds, and either  
7 assisted living units or personal care beds;
- 8 (11) "Formal review process" means the ninety (90) day certificate-of-need review  
9 conducted by the cabinet;
- 10 (12) "Health facility" means any institution, place, building, agency, or portion thereof,  
11 public or private, whether organized for profit or not, used, operated, or designed to  
12 provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care and  
13 includes alcohol abuse, drug abuse, and mental health services. This shall include,  
14 but shall not be limited to, health facilities and health services commonly referred to  
15 as hospitals, psychiatric hospitals, physical rehabilitation hospitals, chemical  
16 dependency programs, tuberculosis hospitals, skilled nursing facilities, nursing  
17 facilities, nursing homes, personal care homes, intermediate care facilities, family  
18 care homes, primary care centers, rural health clinics, outpatient clinics, ambulatory  
19 care facilities, ambulatory surgical centers, emergency care centers and services,  
20 ambulance providers, hospices, community mental health and mental retardation  
21 centers, home health agencies, kidney disease treatment centers and freestanding  
22 hemodialysis units, facilities and services owned and operated by health  
23 maintenance organizations directly providing health services subject to certificate of  
24 need, and others providing similarly organized services regardless of nomenclature;
- 25 (13) "Health services" means clinically related services provided within the  
26 Commonwealth to two (2) or more persons, including, but not limited to,  
27 diagnostic, treatment, or rehabilitative services, and includes alcohol, drug abuse,

1 and mental health services;

2 (14) "Independent living" means the provision of living units and supportive services  
3 including, but not limited to, laundry, housekeeping, maintenance, activity  
4 direction, security, dining options, and transportation;

5 (15) "Intraoperative surgical care" includes the practice of surgical assisting in which the  
6 certified surgical assistant or physician assistant is working under the direction of  
7 the operating physician as a first or second assist, and which may include the  
8 following procedures:

9 (a) Positioning the patient;

10 (b) Preparing and draping the patient for the operative procedure;

11 (c) Observing the operative site during the operative procedure;

12 (d) Providing the best possible exposure of the anatomy incident to the operative  
13 procedure;

14 (e) Assisting in closure of incisions and wound dressings; and

15 (f) Performing any task, within the role of an unlicensed assistive person, or if the  
16 assistant is a physician assistant, performing any task within the role of a  
17 physician assistant, as required by the operating physician incident to the  
18 particular procedure being performed;

19 (16) "Major medical equipment" means equipment which is used for the provision of  
20 medical and other health services and which costs in excess of the medical  
21 equipment expenditure minimum. For purposes of this subsection, "medical  
22 equipment expenditure minimum" means one million five hundred thousand dollars  
23 (\$1,500,000) beginning with July 15, 1994, and as adjusted annually thereafter. In  
24 determining whether medical equipment has a value in excess of the medical  
25 equipment expenditure minimum, the value of studies, surveys, designs, plans,  
26 working drawings, specifications, and other activities essential to the acquisition of  
27 the equipment shall be included;

- 1 (17) "Nonsubstantive review" means an expedited review conducted by the cabinet of an  
2 application for a certificate of need as authorized under KRS 216B.095;
- 3 (18) "Nonclinically-related expenditures" means expenditures for:
- 4 (a) Repairs, renovations, alterations, and improvements to the physical plant of a  
5 health facility which do not result in a substantial change in beds, a substantial  
6 change in a health service, or the addition of major medical equipment, and do  
7 not constitute the replacement or relocation of a health facility; or
- 8 (b) Projects which do not involve the provision of direct clinical patient care  
9 including, but not limited to, the following:
- 10 1. Parking facilities;
- 11 2. Telecommunications or telephone systems;
- 12 3. Management information systems;
- 13 4. Ventilation systems;
- 14 5. Heating or air conditioning, or both;
- 15 6. Energy conservation; or
- 16 7. Administrative offices;
- 17 (19) "Party to the proceedings" means the applicant for a certificate of need and any  
18 affected person who appears at a hearing on the matter under consideration and  
19 enters an appearance of record;
- 20 (20) "Perioperative nursing" means a practice of nursing in which the nurse provides  
21 preoperative, intraoperative, and postoperative nursing care to surgical patients;
- 22 (21) "Person" means an individual, a trust or estate, a partnership, a corporation, an  
23 association, a group, state, or political subdivision or instrumentality including a  
24 municipal corporation of a state;
- 25 (22) "Physician assistant" means the same as the definition provided in KRS 311.550;
- 26 (23) "Record" means, as applicable in a particular proceeding:
- 27 (a) The application and any information provided by the applicant at the request

1 of the cabinet;

2 (b) Any information provided by a holder of a certificate of need or license in  
3 response to a notice of revocation of a certificate of need or license;

4 (c) Any memoranda or documents prepared by or for the cabinet regarding the  
5 matter under review which were introduced at any hearing;

6 (d) Any staff reports or recommendations prepared by or for the cabinet;

7 (e) Any recommendation or decision of the cabinet;

8 (f) Any testimony or documentary evidence adduced at a hearing;

9 (g) The findings of fact and opinions of the cabinet or the findings of fact and  
10 recommendation of the hearing officer; and

11 (h) Any other items required by administrative regulations promulgated by the  
12 cabinet;

13 (24) "Registered nurse first assistant" means one who:

14 (a) Holds a current active registered nurse licensure;

15 (b) Is certified in perioperative nursing; and

16 (c) Has successfully completed and holds a degree or certificate from a  
17 recognized program, which shall consist of:

18 1. The Association of Operating Room Nurses, Inc., Core Curriculum for  
19 the registered nurse first assistant; and

20 2. One (1) year of postbasic nursing study, which shall include at least  
21 forty-five (45) hours of didactic instruction and one hundred twenty  
22 (120) hours of clinical internship or its equivalent of two (2) college  
23 semesters.

24 A registered nurse who was certified prior to 1995 by the Certification Board of  
25 Perioperative Nursing shall not be required to fulfill the requirements of paragraph

26 (c) of this subsection;

27 (25) "Secretary" means the secretary of the Cabinet for Health and Family Services;

- 1 (26) "Sexual assault examination facility" means a licensed health facility, emergency  
 2 medical facility, primary care center, or a children's advocacy center or rape crisis  
 3 center that is regulated by the Cabinet for Health and Family Services~~[or the~~  
 4 ~~Cabinet for Families and Children]~~, and that provides sexual assault examinations  
 5 under KRS 216B.400;
- 6 (27) "State health plan" means the document prepared triennially, updated annually, and  
 7 approved by the Governor;
- 8 (28) "Substantial change in a health service" means:
- 9 (a) The addition of a health service for which there are review criteria and  
 10 standards in the state health plan;
- 11 (b) The addition of a health service subject to licensure under this chapter; or
- 12 (c) The reduction or termination of a health service which had previously been  
 13 provided in the health facility;
- 14 (29) "Substantial change in bed capacity" means the addition, reduction, relocation, or  
 15 redistribution of beds by licensure classification within a health facility;
- 16 (30) "Substantial change in a project" means a change made to a pending or approved  
 17 project which results in:
- 18 (a) A substantial change in a health service, except a reduction or termination of a  
 19 health service;
- 20 (b) A substantial change in bed capacity, except for reductions;
- 21 (c) A change of location; or
- 22 (d) An increase in costs greater than the allowable amount as prescribed by  
 23 regulation;
- 24 (31) "To acquire" means to obtain from another by purchase, transfer, lease, or other  
 25 comparable arrangement of the controlling interest of a capital asset or capital stock,  
 26 or voting rights of a corporation. An acquisition shall be deemed to occur when  
 27 more than fifty percent (50%) of an existing capital asset or capital stock or voting

rights of a corporation is purchased, transferred, leased, or acquired by comparable arrangement by one (1) person from another person;

(32) "To batch" means to review in the same review cycle and, if applicable, give comparative consideration to all filed applications pertaining to similar types of services, facilities, or equipment affecting the same health service area;

(33) "To establish" means to construct, develop, or initiate a health facility;

(34) "To obligate" means to enter any enforceable contract for the construction, acquisition, lease, or financing of a capital asset. A contract shall be considered enforceable when all contingencies and conditions in the contract have been met. An option to purchase or lease which is not binding shall not be considered an enforceable contract; and

(35) "To offer" means, when used in connection with health services, to hold a health facility out as capable of providing, or as having the means of providing, specified health services.

Section 61. KRS 216B.332 is amended to read as follows:

(1) To be eligible for a certificate of compliance, a continuing care retirement community shall certify in writing to the cabinet and shall disclose in writing to each of its residents that:

(a) None of the health facilities or health services operated by the continuing care retirement community shall apply for or become certified for participation in the Medicaid program; and

(b) No claim for Medicaid reimbursement shall be submitted for any person for any health service provided by the continuing care retirement community.

(2) A continuing care retirement community may establish one (1) bed at the nursing home level of care for every four (4) living units or personal care beds operated by the continuing care retirement community collectively. All residents in nursing home beds shall be assessed using the Health Care Financing Administration or

1        *Centers for Medicare and Medicaid Services* approved long-term care resident  
 2        assessment instrument.

3        (3) Admissions to continuing care retirement community nursing home beds shall be  
 4        exclusively limited to on-campus residents. A resident shall not be admitted to a  
 5        continuing care retirement community nursing home bed prior to ninety (90) days of  
 6        residency in the continuing care retirement community unless the resident  
 7        experiences a significant change in health status documented by a physician. No  
 8        resident admitted to a nursing home bed shall be transferred or discharged without  
 9        thirty (30) days prior written notice to the resident or his or her guardian.

10       (4) A continuing care retirement community shall assist each resident upon a move-out  
 11       notice to find appropriate living arrangements. Each continuing care retirement  
 12       community shall share information on alternative living arrangements provided by  
 13       the *Division*[Office] of Aging Services at the time a move-out notice is given to a  
 14       resident. The written agreement executed by the resident and the continuing care  
 15       retirement community shall contain provisions for assisting any resident who has  
 16       received a move-out notice to find appropriate living arrangements, prior to the  
 17       actual move-out date.

18       Section 62. KRS 217.125 is amended to read as follows:

19       (1) The authority to promulgate regulations for the efficient administration and  
 20       enforcement of KRS 217.005 to 217.215 is hereby vested in the secretary. The  
 21       secretary may make the regulations promulgated under KRS 217.005 to 217.215  
 22       consistent with those promulgated under the federal act and the Fair Packaging and  
 23       Labeling Act. Regulations promulgated may require permits to operate and include  
 24       provisions for regulating the issuance, suspension, and reinstatement of permits.  
 25       The authority to promulgate regulations pursuant to KRS 217.005 to 217.205 is  
 26       restricted to the Cabinet for Health *and Family* Services.

27       (2) No person shall operate a food processing establishment, food storage warehouse,



1 salvage distributor, or salvage processing plant without having obtained an annual  
2 permit to operate from the cabinet. An application for the permit to operate shall be  
3 made to the cabinet upon forms provided by it and shall be accompanied by the  
4 required fee as shall be provided by regulation. The secretary shall establish a fee  
5 schedule according to authorization in the state budget document. Fees collected by  
6 the cabinet shall be deposited in the State Treasury and credited to a revolving fund  
7 account for use by the cabinet in carrying out the provisions of KRS 217.025 to  
8 217.390 and the regulations adopted by the secretary pursuant thereto. The balance  
9 of the account shall lapse to the general fund at the end of each biennium.

10 (3) No person shall operate a retail food establishment without having obtained a  
11 permit to operate from the cabinet. An application for a permit to operate any retail  
12 food establishment shall be made to the cabinet upon forms provided by it and shall  
13 contain the information the cabinet may reasonably require.

14 (4) Except as otherwise provided in subsection (6) of this section, each application for a  
15 temporary food service establishment or for an annual permit to operate a retail food  
16 establishment shall be accompanied by the required fee. The secretary shall  
17 establish a fee schedule according to authorization in the state budget document.

18 (5) Upon receipt of an application for a permit to operate a food processing  
19 establishment, food storage warehouse, salvage distributor, or salvage processing  
20 plant or a retail food establishment accompanied by the required fee, the cabinet  
21 shall issue a permit if the establishment meets the requirements of KRS 217.005 to  
22 217.215 and regulations adopted by the cabinet. Retail food establishments holding  
23 a valid and effective permit on January 1, 1973, even though not fully meeting the  
24 construction requirements of KRS 217.005 to 217.215 and the regulations adopted  
25 pursuant thereto, may continue to be eligible for permit renewal if in good repair  
26 and capable of being maintained in a safe and sanitary manner.

27 (6) Private, parochial, and public school cafeterias or lunchroom facilities through the

twelfth grade, charitable food kitchens, and all facilities operated by the Cabinet for Health and Family Services~~[, the Cabinet for Families and Children,]~~ or Department of Corrections shall be exempt from the payment of fees, but shall comply with all other provisions of KRS 217.005 to 217.215 and the state retail food establishment code. For this subsection, the term "charitable food kitchens" means a not-for-profit, benevolent food service establishment where more than one-half (1/2) of the employees are volunteers.

(7) Each annual permit to operate a food processing establishment, food storage warehouse, salvage distributor, or salvage processing plant or a retail food establishment, unless previously suspended or revoked, shall expire on December 31 following its date of issuance, and be renewable annually upon application accompanied by the required fee, except as otherwise provided in subsection (6) of this section, and if the establishment is in compliance with KRS 217.005 to 217.215 and regulations of the cabinet.

(8) Each permit to operate a food processing establishment, food storage warehouse, salvage distributor, salvage processing plant, or a retail food establishment shall be issued only for the premises and person named in the application and shall not be transferable. Permits issued shall be posted in a conspicuous place in the establishment.

Section 63. KRS 281.870 is amended to read as follows:

(1) There is hereby created a Coordinated Transportation Advisory Committee, also known as the "CTAC", that is to be composed of designated members of the cabinet, the Cabinet for Health and Family Services~~[, the Cabinet for Families and Children,]~~ and the Workforce Development Cabinet.

(2) Members of the CTAC shall serve terms as determined by each respective cabinet. The CTAC shall meet at least once a month, but may meet more frequently if desired, and shall maintain a written record of all meetings and actions taken. In all

proceedings of the CTAC and in all actions taken by the CTAC, the cabinet, the Cabinet for Health and Family Services~~], and the Cabinet for Families and Children]~~ shall each have two (2) votes and the Workforce Development Cabinet shall have one (1) vote. A quorum of the CTAC shall be required to conduct any official business.

- (3) The staff of the cabinet's Office of Transportation Delivery shall provide administrative support to the CTAC. The executive director of the Office of Transportation Delivery shall set the agenda for meetings of the CTAC. The Office of Transportation Delivery may promulgate administrative regulations under KRS Chapter 13A governing the human service transportation delivery program on behalf of the CTAC. The cabinet shall promulgate administrative regulations under KRS Chapter 13A to specify the duties and responsibilities of the CTAC.

Section 64. KRS 281.872 is amended to read as follows:

- (1) The cabinet shall employ a pool of program coordinators. Each program coordinator shall be a state employee and reside in the cabinet.
- (2) The program coordinator shall initially investigate all complaints regarding recipients, subcontractors, and the broker for the area and attempt to immediately resolve the problem. All complaints relating to Medicaid fraud or abuse shall be forwarded by the cabinet to the Cabinet for Health and Family Services. The program coordinator shall further be responsible for assisting a person with a complaint as required in subsection (4) of this section.
- (3) The program coordinator shall investigate issues of eligibility that result in a person being denied transportation, determine the status of the person's case, and attempt to immediately resolve the matter in order for the person to continue to receive transportation services. A broker shall not deny any person transportation services until the program coordinator resolves the question of the person's eligibility and verifies to the broker that the person is actually ineligible to receive transportation

1 services. A broker who violates the provisions of this subsection shall be fined one  
2 thousand dollars (\$1,000) and shall be subject to his or her contract being revoked  
3 by the cabinet. The program coordinator shall coordinate information about  
4 eligibility to participate in the human service transportation delivery program  
5 between the cabinet, the Cabinet for Health and Family Services,~~[ the Cabinet for~~  
6 ~~Families and Children,]~~ and the Workforce Development Cabinet. The cabinet shall  
7 ensure each program coordinator has direct computer access to all relevant  
8 databases used by all state agencies to administer the human service transportation  
9 delivery program. The Department for Medicaid Services shall provide each  
10 program coordinator with a monthly eligibility list for the area.

11 (4) If a program coordinator is unable to resolve a complaint against a broker or  
12 subcontractor to the satisfaction of the person lodging the complaint on the same  
13 business day the complaint is made, the program coordinator shall immediately act  
14 to assist the person in contacting the appropriate state agency to resolve the  
15 complaint. The program coordinator shall ensure that the cabinet, the Cabinet for  
16 Health and Family Services,~~[ the Cabinet for Families and Children,]~~ and the  
17 Workforce Development Cabinet strictly adhere to the provisions of 42 C.F.R.  
18 governing a person's right to appeal the denial of service or failure for a complaint  
19 to be acted upon promptly. The cabinet shall be required to inform in writing, every  
20 person who has either been denied transportation or who has failed to have a  
21 complaint resolved in a prompt manner under the human service transportation  
22 delivery program, of their right to a hearing to be held in the county where the  
23 person lives, and the process to follow to obtain a hearing.

24 (5) All brokers and subcontractors shall be prohibited from retaliating or attempting  
25 retribution in any way against any person using the human service transportation  
26 delivery program who files a complaint. A broker or subcontractor who is  
27 determined by the cabinet to have violated the provisions of this subsection, after an

1 investigation and hearing conducted by the cabinet, shall have his or her contract  
 2 revoked by the cabinet within ninety (90) days of the hearing and shall be prohibited  
 3 from participating in the human service transportation delivery program for five (5)  
 4 years from the date of the cabinet's determination.

5 Section 65. KRS 309.308 is amended to read as follows:

6 (1) There is hereby created a committee to be known as the "Kentucky Board of  
 7 Interpreters for the Deaf and Hard of Hearing Policy Committee."

8 (2) The committee shall consist of ten (10)~~eleven (11)~~ members as follows:

9 (a) The president or a designee of:

- 10 1. Kentucky Association of the Deaf; and
- 11 2. Kentucky Registry of Interpreters for the Deaf;

12 (b) A representative from:

- 13 1. Kentucky Commission on the Deaf and Hard of Hearing (KCDHH);
- 14 2. Eastern Kentucky University Interpreter Training Program;
- 15 3. Kentucky Department of Education;
- 16 4. Kentucky Department of Vocational Rehabilitation;
- 17 5. Kentucky School for the Deaf; and
- 18 6.~~[- Cabinet for Families and Children; and~~
- 19 7.] Cabinet for Health and Family Services; and

20 (c) Two members-at-large, who are consumers, appointed by the board.

21 (3) The members of the committee shall receive no compensation for their services on  
 22 the committee. The member from the Kentucky Association of the Deaf, the  
 23 member from the Kentucky Registry of Interpreters for the Deaf, and the members-  
 24 at-large shall be reimbursed for actual and necessary expenses incurred in the  
 25 performance of their committee duties.

26 Section 66. KRS 346.200 is amended to read as follows:

27 (1) There is established in the State Treasury the sexual assault victim assistance fund

1 to be administered by the Crime Victims' Compensation Board for the purpose of  
 2 funding medical examinations for victims of sexual assault as provided in  
 3 subsection (4) of this section and in KRS 216B.400. All moneys deposited or paid  
 4 into the sexual assault victim assistance fund are appropriated and shall be available  
 5 to the Crime Victims' Compensation Board. Funds shall be disbursed by the State  
 6 Treasurer upon the warrant of the Crime Victims' Compensation Board.

7 (2) The sexual assault victim assistance fund may receive state general fund  
 8 appropriations, gifts, grants, federal funds, or other public or private funds or  
 9 donations. Any federal matching funds received by the board or the crime victims'  
 10 compensation fund for sexual assault victim assistance payments shall be deposited  
 11 into the sexual assault victim assistance fund.

12 (3) Any unencumbered or unallocated balances in the sexual assault victim assistance  
 13 fund shall be invested as provided in KRS 42.500(9). Any income earned from  
 14 investment, along with the unallocated or unencumbered balances in the fund, shall  
 15 not lapse and shall be deemed a trust and agency account available solely for the  
 16 purposes specified in subsection (1) of this section.

17 (4) (a) For the purposes of this section, a children's advocacy center is a center as  
 18 defined in KRS 620.020 that operates consistent with administrative  
 19 regulations promulgated by ~~the Cabinet for Families and Children and~~ the  
 20 Cabinet for Health and Family Services.

21 (b) Upon receipt of a completed original claim form supplied by the board and  
 22 itemized bill for a child sexual abuse medical examination performed at a  
 23 children's advocacy center, the board shall reimburse the children's advocacy  
 24 center for actual costs up to but not exceeding the amount of reimbursement  
 25 established through administrative regulation promulgated by the Department  
 26 for Medicaid Services.

27 (c) Independent investigation by the Crime Victims' Compensation Board shall

1 not be required for payment of claims under this section; however, the board  
 2 may require additional documentation as proof that the medical examination  
 3 was performed.

4 (5) If sexual assault victim assistance funds are insufficient to pay claims under  
 5 subsection (4) of this section or KRS 216B.400, payment shall be made from the  
 6 Crime Victims' Compensation Fund.

7 Section 67. KRS 337.010 is amended to read as follows:

8 (1) As used in this chapter, unless the context requires otherwise:

9 (a) "Commissioner" means commissioner of the Department of Workplace  
 10 Standards under the direction and supervision of the secretary of the Labor  
 11 Cabinet;

12 (b) "Department" means Department of Workplace Standards in the Labor  
 13 Cabinet;

14 (c) "Wages" includes any compensation due to an employee by reason of his  
 15 employment, including salaries, commissions, vested vacation pay, overtime  
 16 pay, severance or dismissal pay, earned bonuses, and any other similar  
 17 advantages agreed upon by the employer and the employee or provided to  
 18 employees as an established policy. The wages shall be payable in legal tender  
 19 of the United States or checks on banks convertible into cash on demand at  
 20 full face value, subject to the allowances made in this chapter;

21 (d) "Employer" is any person, either individual, corporation, partnership, agency,  
 22 or firm who employs an employee and includes any person, either individual,  
 23 corporation, partnership, agency, or firm acting directly or indirectly in the  
 24 interest of an employer in relation to an employee; and

25 (e) "Employee" is any person employed by or suffered or permitted to work for an  
 26 employer.

27 (2) As used in KRS 337.275 to 337.325, 337.345, and KRS 337.385 to 337.405, unless

1 the context requires otherwise:

2 (a) "Employee" is any person employed by or suffered or permitted to work for an  
3 employer, but shall not include:

- 4 1. Any individual employed in agriculture;
- 5 2. Any individual employed in a bona fide executive, administrative,  
6 supervisory, or professional capacity, or in the capacity of outside  
7 salesman, or as an outside collector as the terms are defined by  
8 administrative regulations of the commissioner;
- 9 3. Any individual employed by the United States;
- 10 4. Any individual employed in domestic service in or about a private home.  
11 The provisions of this section shall include individuals employed in  
12 domestic service in or about the home of an employer where there is  
13 more than one (1) domestic servant regularly employed;
- 14 5. Any individual classified and given a certificate by the commissioner  
15 showing a status of learner, apprentice, worker with a disability,  
16 sheltered workshop employee, and student under administrative  
17 procedures and administrative regulations prescribed and promulgated  
18 by the commissioner. This certificate shall authorize employment at the  
19 wages, less than the established fixed minimum fair wage rates, and for  
20 the period of time fixed by the commissioner and stated in the certificate  
21 issued to the person;
- 22 6. Employees of retail stores, service industries, hotels, motels, and  
23 restaurant operations whose average annual gross volume of sales made  
24 for business done is less than ninety-five thousand dollars (\$95,000) for  
25 the five (5) preceding years exclusive of excise taxes at the retail level or  
26 if the employee is the parent, spouse, child, or other member of his  
27 employer's immediate family;



- 1           7. Any individual employed as a baby-sitter in an employer's home, or an  
2           individual employed as a companion by a sick, convalescing, or elderly  
3           person or by the person's immediate family, to care for that sick,  
4           convalescing, or elderly person and whose principal duties do not  
5           include housekeeping;
- 6           8. Any individual engaged in the delivery of newspapers to the consumer;
- 7           9. Any individual subject to the provisions of KRS Chapters 7, 16, 27A,  
8           30A, and 18A provided that the secretary of the Personnel Cabinet shall  
9           have the authority to prescribe by administrative regulation those  
10          emergency employees, or others, who shall receive overtime pay rates  
11          necessary for the efficient operation of government and the protection of  
12          affected employees;
- 13          10. Any employee employed by an establishment which is an organized  
14          nonprofit camp, religious, or nonprofit educational conference center, if  
15          it does not operate for more than seven (7) months in any calendar year;
- 16          11. Any employee whose function is to provide twenty-four (24) hour  
17          residential care on the employer's premises in a parental role to children  
18          who are primarily dependent, neglected, and abused and who are in the  
19          care of private, nonprofit childcaring facilities licensed by the Cabinet  
20          for Health and Family Services~~[Families and Children]~~ under KRS  
21          199.640 to 199.670; or
- 22          12. Any individual whose function is to provide twenty-four (24) hour  
23          residential care in his or her own home as a family caregiver and who is  
24          approved to provide family caregiver services to an adult with a  
25          disability through a contractual relationship with a community mental  
26          health-mental retardation board established under KRS 210.370 to  
27          210.460, or is certified or licensed by the Cabinet for Health and Family

1                   Services~~[or the Cabinet for Families and Children]~~ to provide adult  
2                   foster care.

3           (b) "Agriculture" means farming in all its branches, including cultivation and  
4           tillage of the soil; dairying; production, cultivation, growing, and harvesting of  
5           any agricultural or horticultural commodity; raising of livestock, bees,  
6           furbearing animals, or poultry; and any practice, including any forestry or  
7           lumbering operations, performed on a farm in conjunction with farming  
8           operations, including preparation and delivery of produce to storage, to  
9           market, or to carriers for transportation to market;

10          (c) "Gratuity" means voluntary monetary contribution received by an employee  
11          from a guest, patron, or customer for services rendered;

12          (d) "Tipped employee" means any employee engaged in an occupation in which  
13          he customarily and regularly receives more than thirty dollars (\$30) per month  
14          in tips; and

15          (e) "U.S.C." means the United States Code.

16   (3) As used in KRS 337.505 to 337.550, unless the context requires otherwise:

17          (a) "Construction" includes construction, reconstruction, improvement,  
18          enlargement, alteration, or repair of any public works project by contract fairly  
19          estimated to cost more than two hundred fifty thousand dollars (\$250,000). No  
20          public works project, if procured under a single contract and subject to the  
21          requirements of this section, may be divided into multiple contracts of lesser  
22          value to avoid compliance with the provisions of this section;

23          (b) "Contractor" and "subcontractor" include any superintendent, foreman, or  
24          other authorized agent of any contractor or subcontractor who is in charge of  
25          the construction of the public works or who is in charge of the employment or  
26          payment of the employees of the contractor or subcontractor who are  
27          employed in performing the work to be done or being done by the contractor

1 or subcontractor under the particular contract with any public authority;

2 (c) 1. "Locality" shall be determined by the commissioner. The commissioner  
3 may designate more than one (1) county as a single locality, but if more  
4 than one (1) county is designated, the multicounty locality shall not  
5 extend beyond the boundaries of a state Senatorial district. The  
6 commissioner shall not designate less than an entire county as a locality.  
7 If there is not available in the locality a sufficient number of competent,  
8 skilled laborers, workmen, and mechanics to efficiently and properly  
9 construct the public works, "locality" shall include any other locality  
10 nearest the one in which the work of construction is to be performed and  
11 from which such available skilled laborers, workmen, and mechanics  
12 may be obtained in sufficient number to perform the work; and

13 2. "Locality" with respect to contracts advertised or awarded by the  
14 Transportation Cabinet of this state shall be determined by the secretary  
15 of the Transportation Cabinet. The secretary may designate any number  
16 of counties as constituting a single locality. The secretary may also  
17 designate all counties of the Commonwealth as a single locality, but he  
18 shall not designate less than an entire county as a locality;

19 (d) "Public authority" means any officer, board, or commission of this state, or  
20 any political subdivision or department thereof in the state, or any institution  
21 supported in whole or in part by public funds, including publicly owned or  
22 controlled corporations, authorized by law to enter into any contract for the  
23 construction of public works and any nonprofit corporation funded to act as an  
24 agency and instrumentality of the government agency in connection with the  
25 construction of public works, and any "private provider", as defined in KRS  
26 197.500, which enters into any contract for the construction of an "adult  
27 correctional facility", as defined in KRS 197.500; and

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks, and all other structures or work, including "adult correctional facilities", as defined in KRS 197.500, constructed under contract with any public authority.

- (4) If the federal government or any of its agencies furnishes by loans or grants any part of the funds used in constructing public works, and if the federal government or its agencies prescribe predetermined prevailing minimum wages to be paid to mechanics, workmen, and laborers employed in the construction of the public works, and if KRS 337.505 to 337.550 is also applicable, those wages in each classification which are higher shall prevail.

Section 68. KRS 403.700 is amended to read as follows:

- (1) The ~~Governor's~~ Council on Domestic Violence and Sexual Assault is created and established for the purpose of planning and direction of legal, protection, and support services related to domestic violence and sexual assault, and to increase the awareness of all Kentuckians regarding the prevalence and impact of these crimes.

- (2) Members of the council shall include:

(a) The Attorney General or a designee;

~~(b) The secretary of the Cabinet for Families and Children or a designee;~~

~~(e)~~ The secretary of the Cabinet for Health ***and Family*** Services or a designee;

~~(c)~~~~(d)~~ The secretary of the Justice Cabinet or a designee;

~~(d)~~~~(e)~~ The public advocate or a designee;

~~(e)~~~~(f)~~ The executive director of the ***Division*** ~~Governor's Office~~ of Child Abuse and Domestic Violence Services;

~~(f)~~~~(g)~~ The executive director of the Kentucky Criminal Justice Council;

~~(g)~~~~(h)~~ The executive director of the Commission on Women;

~~(h)~~~~(i)~~ At the direction of the Chief Justice of the Supreme Court, the director of the Administrative Office of the Courts;

(j)~~(j)~~ One (1) Circuit Court Judge, one (1) family court judge, and one (1) District Court Judge, who shall be appointed by the Chief Justice of the Supreme Court;

(l)~~(k)~~ The executive director of the Kentucky Domestic Violence Association;

(k)~~(l)~~ The president of the Kentucky Domestic Violence Association or a designee;

(l)~~(m)~~ The executive director of the Kentucky Association of Sexual Assault Programs;

(m)~~(n)~~ The president of the Kentucky Association of Sexual Assault Programs or a designee;

(n)~~(o)~~ Two (2) members of the Senate who shall be appointed by the President of the Senate;

(o)~~(p)~~ Three (3) members of the House of Representatives who shall be appointed by the Speaker of the House; and

(p)~~(q)~~ The following members, who shall be appointed by the secretary~~Governor~~. To be eligible for appointment under this paragraph, a person shall have an understanding of, and demonstrated commitment to, addressing crimes involved in domestic or sexual violence:

1. One (1) county attorney;
2. One (1) Commonwealth's attorney;
3. One (1) Circuit Court Clerk;
4. One (1) sheriff;
5. One (1) peace officer;
6. Two (2) representatives of local domestic violence coordinating councils or sexual assault response teams;
7. One (1) advocate for adult victims of domestic or sexual violence;
8. One (1) advocate for child witnesses of domestic or sexual violence;

- 1           9.    One (1) physician;
- 2           10.   One (1) sexual assault nurse examiner;
- 3           11.   One (1) mental health professional with demonstrated expertise in
- 4                treating offenders;
- 5           12.   One (1) employee of the Department for Community Based Services
- 6                who provides direct services to victims of domestic violence;
- 7           13.   One (1) person employed as a probation or parole officer; and
- 8           14.   Two (2) citizen at-large members.
- 9   (3)   The secretary~~[Governor]~~ shall appoint two (2) co-chairs and two (2) vice chairs of
- 10       the council. One (1) of the vice chairs shall be a council member who is a criminal
- 11       justice professional. The co-chairs and vice chairs shall serve for a term of one (1)
- 12       year after which they may be reappointed by the secretary~~[Governor]~~.
- 13   (4)   Council members shall serve at the pleasure of the appointing authority but shall not
- 14       serve longer than four (4) years without reappointment. Members shall not serve
- 15       longer than two (2) consecutive four (4) year terms.
- 16   (5)   The council shall establish an executive committee, the membership of which shall
- 17       be named by the co-chairs of the council.
- 18   (6)   The duties and responsibilities of the council shall include, but not be limited to, the
- 19       following:
- 20       (a)   Promoting coordination among agencies and officials responsible for
- 21            addressing domestic violence and sexual assault;
- 22       (b)   Determining the availability of services for victims, children who witness
- 23            domestic violence or sexual assault, and offenders;
- 24       (c)   Facilitating the development of local domestic violence councils and sexual
- 25            assault response teams that shall include publication of model protocols,
- 26            training, and technical assistance;
- 27       (d)   Promoting community awareness and the prevention of domestic and sexual

1 violence;

2 (e) Providing assistance to the Attorney General, the Administrative Office of the  
3 Courts, the Justice Cabinet,~~[the Cabinet for Families and Children,]~~ and the  
4 Cabinet for Health and Family Services in the development of training  
5 curricula, treatment programs, and model policies related to domestic violence  
6 and sexual assault;

7 (f) Reviewing and analyzing data and information relating to domestic violence  
8 and sexual assault from existing sources including, but not limited to, the  
9 Kentucky State Police,~~[the Cabinet for Families and Children,]~~ the Cabinet  
10 for Health and Family Services, the Department of Corrections, and the  
11 Administrative Office of the Courts;

12 (g) Recommending to the appropriate entity changes in state programs,  
13 legislation, administrative regulations, policies, budgets, and treatment and  
14 service standards relating to domestic violence and sexual assault; and

15 (h) Preparing a biennial report to be submitted no later than July 1 of every odd-  
16 numbered year to the Governor, the Legislative Research Commission, and  
17 the Chief Justice of the Supreme Court.

18 (7) The council shall establish any committees necessary to carry out its duties.

19 (8) The council shall be attached to the Division~~[Governor's Office]~~ of Child Abuse  
20 and Domestic Violence Services for administrative purposes. Members of the  
21 council shall be eligible to receive actual and reasonable travel expenses.

22 (9) The secretary of the Justice Cabinet and~~[,]~~ the secretary of the Cabinet for Health  
23 and Family Services~~[, and the secretary of the Cabinet for Families and Children]~~  
24 shall provide the necessary staff to assist the council in carrying out its duties and  
25 responsibilities.

26 Section 69. KRS 403.707 is amended to read as follows:

27 (1) The~~[Governor's]~~ Council on Domestic Violence and Sexual Assault shall create a

1 Sexual Assault Response Team Advisory Committee.

2 (2) The Sexual Assault Response Team Advisory Committee shall be co-chaired by the  
3 executive director of the Kentucky Association of Sexual Assault Programs and the  
4 commissioner of the Kentucky State Police or the commissioner's designee.

5 (3) The membership of the Sexual Assault Response Team Advisory Committee shall  
6 consist of the following:

7 (a) The executive director of the Kentucky Board of Nursing or the executive  
8 director's designee;

9 (b) The executive director of the Kentucky Nurses Association or the executive  
10 director's designee;

11 (c) The executive director of the Kentucky Hospital Association or the executive  
12 director's designee;

13 (d) The director of the Kentucky State Police Crime Lab;

14 (e) The chief medical examiner or the chief medical examiner's designee;

15 (f) The executive director of the Division~~Governor's Office~~ of Child Abuse and  
16 Domestic Violence Services or the executive director's designee;

17 (g) The director of the Victims' Advocacy Division of the Office of the Attorney  
18 General or the director's designee;

19 (h) A sexual assault nurse examiner serving on the Governor's Council on  
20 Domestic Violence and Sexual Assault;

21 (i) A representative from a sexual assault response team serving on the  
22 ~~Governor's~~ Council on Domestic Violence and Sexual Assault;

23 (j) A physician appointed by the co-chairs of the ~~Governor's~~ Council on  
24 Domestic Violence and Sexual Assault; and

25 (k) A Commonwealth's attorney or an assistant Commonwealth's attorney  
26 appointed by the co-chairs of the ~~Governor's~~ Council on Domestic Violence  
27 and Sexual Assault.



1 (4) Members appointed under paragraphs (h) to (k) of subsection (3) shall serve at the  
 2 pleasure of the appointing authority and shall not serve longer than four (4) years  
 3 without reappointment.

4 (5) The Sexual Assault Response Team Advisory Committee shall:

5 (a) Serve in an advisory capacity to the Kentucky Board of Nursing in  
 6 accomplishing the duties set forth under KRS 314.142;

7 (b) Serve in an advisory capacity to the chief medical examiner in the  
 8 development of the statewide sexual assault protocol required under KRS  
 9 216B.400(4);

10 (c) Develop a model protocol for the operation of sexual assault response teams  
 11 which shall include the roles of sexual assault nurse examiners, physicians,  
 12 law enforcement, prosecutors, and victim advocates;

13 (d) Provide information and recommendations concerning the activities of the  
 14 agency or organization represented by each individual committee member as  
 15 related to sexual assault issues and programs within the purview of the agency  
 16 or organization; and

17 (e) Recommend to the ~~Governor's~~ Council on Domestic Violence and Sexual  
 18 Assault any changes in statute, administrative regulation, training, policy, and  
 19 budget to promote a multidisciplinary response to sexual assault.

20 Section 70. KRS 431.650 is amended to read as follows:

21 (1) The Kentucky Multidisciplinary Commission on Child Sexual Abuse is hereby  
 22 created.

23 (2) The commission shall be comprised of the following members:

24 (a) The commissioner of the Department for Community Based Services or a  
 25 designee;

26 (b) The commissioner of the Department for Mental Health and Mental  
 27 Retardation Services or a designee;

- 1 (c) One (1) social service worker who is employed by the Department for  
2 Community Based Services to provide child protective services, who shall be  
3 appointed by the secretary of the Cabinet for Health and Family  
4 Services~~[Families and Children]~~;
- 5 (d) One (1) therapist who provides services to sexually abused children, who shall  
6 be appointed by the secretary of the Cabinet for Health and Family Services;
- 7 (e) The commissioner of the Kentucky State Police or a designee;
- 8 (f) One (1) law enforcement officer who is a detective with specialized training in  
9 conducting child sexual abuse investigations, who shall be appointed by the  
10 secretary of the Justice Cabinet;
- 11 (g) One (1) employee of the Administrative Office of the Courts appointed by the  
12 Chief Justice of the Supreme Court of Kentucky;
- 13 (h) Two (2) employees of the Attorney General's Office who shall be appointed  
14 by the Attorney General;
- 15 (i) One (1) Commonwealth's attorney who shall be appointed by the Attorney  
16 General;
- 17 (j) The commissioner of the Department of Education or a designee;
- 18 (k) One (1) school counselor, school psychologist, or school social worker who  
19 shall be appointed by the commissioner of the Department of Education;
- 20 (l) The executive director of the Division~~[Governor's Office]~~ of Child Abuse and  
21 Domestic Violence Services or a designee;
- 22 (m) One (1) representative of a children's advocacy center who shall be appointed  
23 by the Governor;
- 24 (n) One (1) physician appointed by the Governor; and
- 25 (o) One (1) former victim of a sexual offense or one (1) parent of a child sexual  
26 abuse victim who shall be appointed by the Attorney General.
- 27 (3) Appointees shall serve at the pleasure of the appointing authority but shall not serve

1 longer than four (4) years without reappointment.

2 (4) The commission shall elect a chairperson annually from its membership.

3 Section 71. KRS 620.045 is amended to read as follows:

4 (1) The secretaries of the Cabinet for *Health and Family Services*~~[Families and~~  
 5 ~~Children, the Cabinet for Health Services,]~~ and the Justice Cabinet are authorized to  
 6 make state grants and other fund allocations to assist nonprofit corporations in the  
 7 establishment and operation of regional children's advocacy centers.

8 (2) To be eligible for grants from any state government entity, a children's advocacy  
 9 center shall meet the statutory definition of a children's advocacy center as provided  
 10 in this chapter and shall operate consistent with administrative regulations  
 11 promulgated by the Cabinet for *Health and Family Services*~~[Families and~~  
 12 ~~Children]~~ in accordance with KRS Chapter 13A.

13 Section 72. KRS 2.240 is amended to read as follows:

14 (1) The fourth week of April of each year is designated as Organ Donor Awareness  
 15 Week, and the Governor shall annually issue a proclamation inviting and urging the  
 16 people of the Commonwealth to be involved with appropriate activities. This  
 17 observance is created to educate the citizens of the Commonwealth about the  
 18 importance of organ donation.

19 (2) As part of Organ Donor Awareness Week, the Governor and the House of  
 20 Representatives and the Senate of the General Assembly shall honor those persons  
 21 who have donated organs and surviving family members with a ceremony in the  
 22 Capitol rotunda. Each person who has donated an organ shall be recognized  
 23 collectively by citation and, upon request, the person or the person's family shall be  
 24 given a copy of the citation. The Governor may establish an organ donor honor  
 25 board to collect the name of each person, subject to the person's consent, who  
 26 donates an organ in the Commonwealth during the year, and to recognize medical  
 27 professionals, educators, volunteers, public employees, and private organizations

1 that are involved with the organ donation process. Nothing in this section shall be  
2 construed to require reporting of the name of any person involved with the organ  
3 donation process or to supersede patient confidentiality protections established by  
4 statute, the Board of Medical Licensure or other state entity, or the Federal Health  
5 Insurance Portability and Accountability Act.

- 6 (3) Education efforts are encouraged to focus on the importance of organ donation and  
7 its significance with saving the lives of Kentuckians. The Cabinet for Health and  
8 Family Services is encouraged to develop and circulate materials relating to organ  
9 donation.

10 Section 73. KRS 7.111 is amended to read as follows:

- 11 (1) The Kentucky State Police, Department of Corrections, the Department of Juvenile  
12 Justice, the Cabinet for Health and Family Services, and the Administrative Office  
13 of the Courts shall provide access to their databases and the centralized criminal  
14 history record information system and the data contained therein to other criminal  
15 justice agencies, including criminal justice statistical analysis centers, and to the  
16 Legislative Research Commission. The right of access granted herein shall not  
17 include the right to add to, delete, or alter data without permission of the agency  
18 holding the data.

- 19 (2) Criminal justice agencies and the Legislative Research Commission shall not make  
20 public information on an individual person's criminal history record where such  
21 record is protected by state or federal law or regulation.

- 22 (3) The Legislative Research Commission shall have access to information which does  
23 not identify an individual person when determined by the director of the Legislative  
24 Research Commission to be necessary for a legislative purpose.

- 25 (4) The Legislative Research Commission shall have access to individual persons'  
26 criminal history records subject to the following provisions:

- 27 (a) Access shall not include information on federal offenses or convictions;

1 (b) Access shall not include information on out-of-state convictions; and

2 (c) Requests for the release of the information shall be approved by the  
3 Legislative Research Commission by vote at a meeting of the Commission.

4 Section 74. KRS 11.5163 is amended to read as follows:

5 (1) The chief information officer shall establish and implement a statewide public  
6 safety interoperability plan. This plan shall include the development of required  
7 architecture and standards that will insure that new or upgraded Commonwealth  
8 public safety communications systems will interoperate. The Kentucky Wireless  
9 Interoperability Executive Committee shall be responsible for the evaluation and  
10 recommendation of all wireless communications architecture, standards, and  
11 strategies. The chief information officer shall provide direction, stewardship,  
12 leadership, and general oversight of information technology and information  
13 resources. The chief information officer shall report by September 15 annually to  
14 the Interim Joint Committee on Seniors, Veterans, Military Affairs, and Public  
15 Protection and the Interim Joint Committee on State Government on progress and  
16 activity by agencies of the Commonwealth to comply with standards to achieve  
17 public safety communications interoperability.

18 (2) The Kentucky Wireless Interoperability Executive Committee shall serve as the  
19 advisory body for all wireless communications strategies presented by agencies of  
20 the Commonwealth and local governments. All state agencies in the  
21 Commonwealth shall present all project plans for primary wireless public safety  
22 voice or data communications systems for review and recommendation by the  
23 committee, and the committee shall forward the plans to the chief information  
24 officer for final approval. Local government entities shall present project plans for  
25 primary wireless public safety voice or data communications systems for review and  
26 recommendation by the Kentucky Wireless Interoperability Executive Committee.

27 (3) The committee shall develop funding and support plans that provide for the

1 maintenance of and technological upgrades to the public safety shared  
2 infrastructure, and shall make recommendations to the chief information officer, the  
3 Governor's Office for Policy and Management, and the General Assembly.

4 (4) The chief information officer shall examine the project plans for primary wireless  
5 public safety voice or data communications systems of state agencies as required by  
6 subsection (2) of this section, and shall determine whether they meet the required  
7 architecture and standards for primary wireless public safety voice or data  
8 communications systems.

9 (5) The Kentucky Wireless Interoperability Executive Committee shall consist of  
10 twenty-one (21) members as follows:

11 (a) A person knowledgeable in the field of wireless communications appointed by  
12 the chief information officer who shall serve as chair;

13 (b) The executive director of the Office for Infrastructure Services, Governor's  
14 Office for Technology;

15 (c) The administrator of the Commercial Mobile Radio Service Emergency  
16 Telecommunications Board;

17 (d) The executive director of Kentucky Educational Television, or the executive  
18 director's designee;

19 (e) The chief information officer of the Transportation Cabinet;

20 (f) The chief information officer of the Justice Cabinet;

21 (g) The chief information officer of the Kentucky State Police;

22 (h) The commissioner of the Department of Fish and Wildlife Resources,  
23 Tourism Development Cabinet, or the commissioner's designee;

24 (i) The chief information officer of the National Resources and Environmental  
25 Protection Cabinet;

26 (j) The director of the Division of Emergency Management, Department of  
27 Military Affairs;

- 1 (k) The executive director of the Office for Security Coordination, Department of  
2 Military Affairs;
- 3 (l) The chief information officer, Department for Public Health, Cabinet for  
4 Health and Family Services;
- 5 (m) A representative from an institution of postsecondary education appointed by  
6 the Governor from a list of three (3) names submitted by the president of the  
7 Council on Postsecondary Education;
- 8 (n) The executive director of the Center for Rural Development, or the executive  
9 director's designee;
- 10 (o) A representative from a municipal government to be appointed by the  
11 Governor from a list of three (3) names submitted by the Kentucky League of  
12 Cities;
- 13 (p) A representative from a county government to be appointed by the Governor  
14 from a list of three (3) names submitted by the Kentucky Association of  
15 Counties;
- 16 (q) A representative from a municipal police department to be appointed by the  
17 Governor from a list of three (3) names submitted by the Kentucky  
18 Association of Chiefs of Police;
- 19 (r) A representative from a local fire department to be appointed by the Governor  
20 from a list of three (3) names submitted by the Kentucky Association of Fire  
21 Chiefs;
- 22 (s) A representative from a county sheriff's department to be appointed by the  
23 Governor from a list of three (3) names submitted by the Kentucky Sheriffs'  
24 Association;
- 25 (t) A representative from a local Emergency Medical Services agency to be  
26 appointed by the Governor from a list of three (3) names submitted by the  
27 Kentucky Board of Emergency Medical Services; and

1 (u) A representative from a local 911 dispatch center to be appointed by the  
2 Governor from a list of three (3) names submitted by the Kentucky Chapter of  
3 the National Emergency Number Association/Association of Public Safety  
4 Communications Officials.

5 (6) Appointed members of the committee shall serve for a two (2) year term. Members  
6 who serve by virtue of an office shall serve on the committee while they hold that  
7 office.

8 (7) The committee shall meet quarterly, or as often as necessary for the conduct of its  
9 business. A majority of the members shall constitute a quorum for the transaction of  
10 business. Members' designees shall have voting privileges at committee meetings.

11 (8) The committee shall be attached to the Governor's Office for Technology for  
12 administrative purposes only. Members shall not be paid, and shall not be  
13 reimbursed for travel expenses.

14 (9) The Public Safety Working Group is hereby created for the primary purpose of  
15 fostering cooperation, planning, and development of the public safety frequency  
16 spectrum as regulated by the Federal Communications Commission, including the  
17 700 MHz public safety band. The group shall endeavor to bring about a seamless,  
18 coordinated, and integrated public safety communications network for the safe,  
19 effective, and efficient protection of life and property. The Public Safety Working  
20 Group membership and other working group memberships deemed necessary shall  
21 be appointed by the chair of the Kentucky Wireless Interoperability Executive  
22 Committee.

23 (10) The committee may establish additional working groups as determined by the  
24 committee.

25 Section 75. KRS 12.334 is amended to read as follows:

26 (1) KY-ASAP shall establish in each county a local tobacco addiction and alcohol and  
27 substance abuse advisory and coordination board to assist in planning, overseeing,



1 and coordinating the implementation of local programs related to smoking cessation  
2 and prevention and alcohol and substance abuse prevention, cessation, and  
3 treatment, although a single board may be established for multiple counties to  
4 ensure a comprehensive range of services. The board shall assist with the  
5 coordination of programs provided by public and private entities. If the existing  
6 programs of private service providers are of high quality, KY-ASAP shall  
7 concentrate on providing missing elements and support for those providers. The  
8 Cabinet for Health and Family Services shall support the communities' efforts.

9 (2) KY-ASAP shall consult with community leaders to solicit the names of residents  
10 from the community to serve on each advisory and coordination board. KY-ASAP  
11 shall request from each board the submission of reasonable reports on the  
12 effectiveness, efficiency, and efforts of each local program, including  
13 recommendations for increased or decreased funding, and KY-ASAP shall supply  
14 information as necessary to the advisory and coordination board to enable it to carry  
15 out its functions.

16 (3) KY-ASAP shall provide incentives to encourage multicounty advisory and  
17 coordination board requests and shall establish a single board to represent all  
18 counties making the request. Priority in establishing a board shall be given to  
19 existing regional prevention centers or coalitions, community organizations, or local  
20 Kentucky Incentives for Prevention (KIP) project coalitions. Membership shall  
21 consist of residents from each of the counties.

22 (4) Each advisory and coordination board shall develop a long-term community  
23 strategy that is designed to reduce the incidence of youth and young adult smoking  
24 and tobacco addiction, promote resistance to smoking, reduce the incidence of  
25 substance abuse, and promote effective treatment of substance abuse. All county  
26 resources, both private and public, for-profit and nonprofit, shall be considered in  
27 developing this strategy.

(a) Employers, local leaders, schools, family resource and youth services centers, health care providers and institutions, economic developers, and other relevant local and regional entities shall be consulted in the development of the strategy.

(b) An assessment of needs and available services shall be included in the strategy.

Section 76. KRS 15.055 is amended to read as follows:

(1) The Office of the Attorney General shall receive from the Cabinet for *Health and Family Services*~~[Families and Children]~~ a list of names of delinquent obligors as defined in administrative regulations promulgated under this section.

(2) The Office of the Attorney General in cooperation with the Cabinet for *Health and Family Services*~~[Families and Children]~~ shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

(3) The Office of the Attorney General shall:

(a) Publish and update the list on an appropriate agency Internet site; and

(b) Distribute to all designees of the cabinet for the administration of the child support program, a "most wanted" poster that includes names, and photos if available, of delinquent obligors whose whereabouts are unknown or unverified, or who if known, refuse to meet their child support obligations. The poster shall be posted locally by the designee of the cabinet for the administration of the child support program in public locations.

Section 77. KRS 15.113 is amended to read as follows:

(1) The Financial Integrity Enforcement Division is created in the Department of Law. The division shall:

(a) Investigate illegal redemption of food stamp benefits in cooperation with the United States Department of Agriculture and the Cabinet for *Health and Family Services*~~[Families and Children]~~;

- (b) Verify eligibility of food stamp program applicants as to past criminal history;
- (c) Investigate the illegal distribution of counterfeit merchandise; and
- (d) Investigate the use of personal identification and financial information by persons for the purpose of theft, or fraud, or both theft and fraud, and other illegal or fraudulent activity which may involve electronic commerce.

(2) The Office of the Attorney General shall coordinate with the Department of Financial Institutions, the United States Secret Service, the Federal Trade Commission, the Kentucky Bankers' Association, and any other agency or organization to prepare and disseminate information to prevent identity theft.

Section 78. KRS 15.241 is amended to read as follows:

The Attorney General, upon certification by the secretary of the Cabinet for Health and Family Services, shall seek injunctive relief in a course of proper jurisdiction to prevent violations of the provisions of KRS Chapter 216B regarding abortion facilities or the administrative regulations promulgated in furtherance thereof in cases where other administrative penalties and legal sanctions imposed have failed to prevent or cause a discontinuance of the violation.

Section 79. KRS 15.290 is amended to read as follows:

(1) There is hereby established in the Department of Law the Child Support Enforcement Commission which shall consist of nine (9) members as prescribed below:

- (a) The Attorney General, or a designee, who shall also serve as chairman;
- (b) The secretary of the Cabinet for Health and Family Services~~[Families and Children]~~, or his designee, who shall also serve as vice chairman;
- (c) The director of the Administrative Office of the Courts, or his designee;
- (d) The director of the Division of Child Support within the Cabinet for Health and Family Services~~[Families and Children]~~; and
- (e) The remaining five (5) members shall be appointed by the Governor for terms

1 of four (4) years, except that the initial appointments shall be made in the  
 2 following manner: One (1) member for two (2) years, two (2) members for  
 3 three (3) years, and two (2) members for four (4) years. Each member shall  
 4 serve until a successor is named and any appointment, due to vacancy, shall be  
 5 for the unexpired term. The remaining five (5) members shall be appointed in  
 6 the following manner: three (3) members from a list of nine (9) nominees  
 7 submitted by the Kentucky County Attorney Association, with one (1) of the  
 8 three members representing either a first class or urban-county government,  
 9 and two (2) citizen-at-large members.

10 (2) The secretary of the cabinet shall reimburse to the Department of Law such an  
 11 amount as incurred related to the function of the commission. The secretary shall  
 12 provide such information as may be requested by the commission.

13 (3) The commission shall meet at least quarterly and may meet additional times as may  
 14 be deemed necessary by the chairman.

15 (4) Reimbursement for actual travel expenses shall be paid by the Department of Law  
 16 for commission members, if members are not otherwise eligible for such  
 17 reimbursement from their respective agency.

18 (5) The commission shall have the following responsibilities:

19 (a) Advise the Governor on any issue related to the child-support program;

20 (b) Advise the Cabinet for Health and Family Services~~[Families and Children]~~  
 21 on any issue related to the child-support program;

22 (c) Advise the Department of Law on any issue related to the child-support  
 23 program;

24 (d) Advise the Administrative Office of the Courts on any issue related to the  
 25 child-support program;

26 (e) Provide a regular forum for all parties involved in the child-support program  
 27 to address any aspect of the administrative or judicial process;

1 (f) Develop and prepare reports and recommendations related to administrative  
 2 procedures, prosecution, judicial procedures, state or federal legislation; or  
 3 any other matters which might improve program effectiveness and efficiency;  
 4 and

5 (g) Initiate recommendations to facilitate interaction between local officials and  
 6 the cabinet.

7 (6) The commission shall prepare and issue an annual report not later than August 15 of  
 8 each year for the preceding fiscal year which includes a performance assessment for  
 9 all aspects of the program. The report shall include recommendations to improve  
 10 performance and service delivery. The report shall be submitted to the Governor  
 11 and the Legislative Research Commission. The first report shall be due August 15,  
 12 1989.

13 (7) Nothing in this section shall be construed as modifying the designation of the single  
 14 state agency as required under the Federal Title IV-D plan.

15 Section 80. KRS 15.300 is amended to read as follows:

16 (1) As used in this section, "consent order" means the consent order of December 21,  
 17 1998, agreed to in Commonwealth of Kentucky v. Philip Morris Inc. et al., Docket  
 18 Number 98-CI-01579, Franklin Circuit Court.

19 (2) There is created the Tobacco Master Settlement Agreement Compliance Advisory  
 20 Board in the Department of Law. The board shall be composed of six (6) members  
 21 as follows:

22 (a) The Attorney General, or the Attorney General's designee;

23 (b) The secretary of the Cabinet for Health and Family Services, or the secretary's  
 24 designee;

25 (c) The Commissioner of Agriculture, or the Commissioner's designee;

26 (d) The secretary of the Public Protection and Regulation Cabinet, or the  
 27 secretary's designee; and

- 1 (e) Two (2) citizens at large appointed by the Attorney General.
- 2 (3) The citizen members of the board shall serve for terms of one (1) year and until  
3 their successors are appointed. The citizen members shall be eligible for successive  
4 terms on the board.
- 5 (4) The board shall annually elect a member to serve as its chair and shall meet at least  
6 quarterly on a date set by the board. Board members shall be reimbursed for  
7 necessary expenses incurred in serving on the board.
- 8 (5) The board may adopt rules governing the conduct of its meetings, the creation of  
9 meeting agendas, and other procedural matters it deems necessary. The board may  
10 adopt reporting forms, which shall be developed in consultation with participating  
11 agencies.
- 12 (6) The Office of the Attorney General shall:
- 13 (a) Enter into a memorandum of agreement with the Department of Public Health  
14 of the Cabinet for Health and Family Services, the Alcoholic Beverage  
15 Control in the Public Protection and Regulation Cabinet, and the Department  
16 of Agriculture to identify and report possible violations of the consent order;
- 17 (b) Attempt to secure funding under the master settlement agreement to reimburse  
18 the agencies specified in paragraph (a) of this subsection for any compliance  
19 activity that they perform; and
- 20 (c) Provide necessary funding and staff for administrative expenses related to the  
21 operation of the board. The board may request assistance from other state  
22 agencies.
- 23 (7) The Tobacco Master Settlement Agreement Compliance Advisory Board shall:
- 24 (a) Identify activities for which training is required for personnel of the state  
25 agencies specified in paragraph (a) of subsection (6) of this section that are  
26 responsible for identifying and reporting possible violations of the consent  
27 order;

(b) Determine eligible compliance training costs and seek reimbursement for the costs; and

(c) Notify the appropriate tobacco manufacturer, in writing, of any alleged violation of the consent order and request a response and, if applicable, a corrective action plan within thirty (30) days from the date of the notice. If the manufacturer fails to respond or to satisfactorily resolve the matter, the board shall review the matter at its next meeting and may refer the matter to the Office of the Attorney General for enforcement action, if warranted.

Section 81. KRS 15.333 is amended to read as follows:

(1) The Kentucky Law Enforcement Council shall develop in conjunction with the Cabinet for *Health and Family Services*~~[Families and Children]~~ an educational program on human immunodeficiency virus infection and acquired immunodeficiency virus syndrome of not more than four (4) hours to be delivered by the Department of Criminal Justice Training to all law enforcement officers subject to the provisions of KRS 15.440 or 61.300. The educational program shall be completed annually.

(2) The educational program may be a part of any continuing education program offered by the Department of Criminal Justice Training.

Section 82. KRS 15.706 is amended to read as follows:

(1) The Prosecutors Advisory Council shall collect statistical data regarding the investigation, prosecution, dismissal, conviction, or acquittal of any person charged with committing, attempting to commit, or complicity to a sexual offense defined by KRS Chapter 510 involving a minor, incest involving a minor, use of a minor in a sexual performance, or unlawful transaction with a minor.

(2) Each Commonwealth's attorney, each county attorney, the secretary of the Cabinet for *Health and Family Services*~~[Families and Children]~~, the commissioner of the Kentucky State Police, each Circuit Court clerk, and the Administrative Office of

1 the Courts shall provide any data requested by the council for this purpose, on a  
2 form prescribed by the council, at intervals as the council may direct.

3 (3) The council may contract with any other public agency to collect the data in lieu of  
4 collecting the data itself.

5 (4) The Prosecutors Advisory Council may promulgate administrative regulations to  
6 specify information to be reported.

7 (5) The information required to be reported by this section shall be provided by each  
8 Commonwealth's attorney and county attorney at the end of each quarter of the  
9 calendar year or as otherwise directed by the Prosecutors Advisory Council.

10 (6) The Prosecutors Advisory Council and the Office of the Attorney General shall  
11 compile the information by county and issue a public report at least annually.

12 (7) The public report shall not contain the name or identifying information of a victim  
13 or person not formally charged with the commission of child sexual abuse.  
14 Information collected by the Commonwealth's attorney or county attorney or by the  
15 Prosecutors Advisory Council containing data which cannot be published shall be  
16 excluded from inspection, unless by court order, from the Open Records Law.

17 (8) Any Commonwealth's attorney or any county attorney who fails to report  
18 information as defined by this section or administrative regulation shall be subject  
19 to salary reduction as authorized by KRS 61.120.

20 Section 83. KRS 15.910 is amended to read as follows:

21 (1) The state board shall be composed of the following members:

22 (a) The secretary of the Cabinet for **Health and Family Services**~~[Families and~~  
23 ~~Children]~~, the secretary of the Finance and Administration Cabinet, the chief  
24 state school officer, the commissioner of the State Police, and the Attorney  
25 General, or designees authorized to speak on their behalf; and

26 (b) Ten (10) public members appointed by the Governor. It is recommended that,  
27 as a group, the public members shall demonstrate knowledge in the area of



child sexual abuse and exploitation prevention; shall be representative of the demographic composition of this state; and, to the extent practicable, shall be representative of all the following categories: parents, school administrators, law enforcement, the religious community, the legal community, the medical community, professional providers of child sexual abuse and exploitation prevention services, and volunteers in child sexual abuse and exploitation prevention services.

(2) The term of each public member shall be three (3) years, except that of the public members first appointed, three (3) shall serve for three (3) years, three (3) for two (2) years, and four (4) for one (1) year. A public member shall not serve more than two (2) consecutive terms whether partial or full. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(3) The Attorney General shall serve as chairman or designate a chairperson of the state board in which case the chairperson shall serve in that position at the pleasure of the Attorney General. The state board may elect other officers and committees as it considers appropriate.

(4) There shall be no per diem compensation; however, the schedule for reimbursement of expenses for the public members of the state board shall be the same as for state employees. The reimbursement, executive director and staff salaries, and all actual and necessary operating expenses of the state board shall be paid from the trust fund, pursuant to an authorization as provided in KRS 15.935.

Section 84. KRS 15.942 is amended to read as follows:

The Justice Cabinet, the Attorney General, the Administrative Office of the Courts, and the Cabinet for ***Health and Family Services***~~[Families and Children]~~ shall develop a training plan for investigation of child sexual abuse cases and protection of child sexual abuse victims within the Commonwealth. They may seek assistance from any educational, legal, and mental and physical health-care professionals needed for

1 implementation of training programs.

2 Section 85. KRS 15A.065 is amended to read as follows:

3 (1) The Department of Juvenile Justice shall be headed by a commissioner and shall  
4 develop and administer programs for:

5 (a) Prevention of juvenile crime;

6 (b) Identification of juveniles at risk of becoming status or public offenders and  
7 development of early intervention strategies for these children, and, except for  
8 adjudicated youth, participation in prevention programs shall be voluntary;

9 (c) Providing educational information to law enforcement, prosecution, victims,  
10 defense attorneys, the courts, the educational community, and the public  
11 concerning juvenile crime, its prevention, detection, trial, punishment, and  
12 rehabilitation;

13 (d) The operation of or contracting for the operation of postadjudication treatment  
14 facilities and services for children adjudicated delinquent or found guilty of  
15 public offenses or as youthful offenders;

16 (e) The operation or contracting for the operation, and the encouragement of  
17 operation by others, including local governments, volunteer organizations, and  
18 the private sector, of programs to serve predelinquent and delinquent youth;

19 (f) Utilizing outcome-based planning and evaluation of programs to ascertain  
20 which programs are most appropriate and effective in promoting the goals of  
21 this section;

22 (g) Conducting research and comparative experiments to find the most effective  
23 means of:

24 1. Preventing delinquent behavior;

25 2. Identifying predelinquent youth;

26 3. Preventing predelinquent youth from becoming delinquent;

27 4. Assessing the needs of predelinquent and delinquent youth;

- 1           5.    Providing an effective and efficient program designed to treat and
- 2                correct the behavior of delinquent youth and youthful offenders;
- 3           6.    Assessing the success of all programs of the department and those
- 4                operated on behalf of the department and making recommendations for
- 5                new programs, improvements in existing programs, or the modification,
- 6                combination, or elimination of programs as indicated by the assessment
- 7                and the research; and
- 8           (h)   Seeking funding from public and private sources for demonstration projects,
- 9                normal operation of programs, and alterations of programs.
- 10   (2)   The Department of Juvenile Justice may contract, with or without reimbursement,
- 11        with a city, county, or urban-county government, for the provision of probation,
- 12        diversion, and related services by employees of the contracting local government.
- 13   (3)   The Department of Juvenile Justice may contract for the provision of services,
- 14        treatment, or facilities which the department finds in the best interest of any child,
- 15        or for which a similar service, treatment, or facility is either not provided by the
- 16        department or not available because the service or facilities of the department are at
- 17        their operating capacity and unable to accept new commitments. The department
- 18        shall, after consultation with the Finance and Administration Cabinet, promulgate
- 19        administrative regulations to govern at least the following aspects of this
- 20        subsection:
- 21        (a)   Bidding process; and
- 22        (b)   Emergency acquisition process.
- 23   (4)   The Department of Juvenile Justice shall develop programs to:
- 24        (a)   Ensure that youth in state-operated or contracted residential treatment
- 25            programs have access to an ombudsman to whom they may report program
- 26            problems or concerns;
- 27        (b)   Review all treatment programs, state-operated or contracted, for their quality

1 and effectiveness; and

2 (c) Provide mental health services to committed youth according to their needs.

3 (5) (a) The Department of Juvenile Justice shall have an advisory board appointed by  
 4 the Governor, which shall serve as the advisory group under the Juvenile  
 5 Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, as  
 6 amended, and which shall provide a formulation of and recommendations for  
 7 meeting the requirements of this section not less than annually to the  
 8 Governor, the Justice Cabinet, the Department of Juvenile Justice, the Cabinet  
 9 for Health and Family Services~~[Families and Children]~~, the Interim Joint  
 10 Committees on Judiciary and on Appropriations and Revenue of the  
 11 Legislative Research Commission when the General Assembly is not in  
 12 session, and the Judiciary and the Appropriations and Revenue Committees of  
 13 the House of Representatives and the Senate when the General Assembly is in  
 14 session. The advisory board shall develop program criteria for early juvenile  
 15 intervention, diversion, and prevention projects, develop statewide priorities  
 16 for funding, and make recommendations for allocation of funds to the  
 17 Commissioner of the Department of Juvenile Justice. The advisory board shall  
 18 review grant applications from local juvenile delinquency prevention councils  
 19 and include in its annual report the activities of the councils. The advisory  
 20 board shall meet not less than quarterly.

21 (b) The advisory board shall be chaired by a private citizen member appointed by  
 22 the Governor and shall serve a term of two (2) years and thereafter be elected  
 23 by the board. The members of the board shall be appointed to staggered terms  
 24 and thereafter to four (4) year terms. The membership of the advisory board  
 25 shall consist of no fewer than fifteen (15) persons and no more than thirty-  
 26 three (33) persons who have training, experience, or special knowledge  
 27 concerning the prevention and treatment of juvenile delinquency or the

administration of juvenile justice. A majority of the members shall not be full-time employees of any federal, state, or local government, and at least one-fifth (1/5) of the members shall be under the age of twenty-four (24) years at the time of appointment. On July 15, 2002, any pre-existing appointment of a member to the Juvenile Justice Advisory Board and the Juvenile Justice Advisory Committee shall be terminated unless that member has been re-appointed subsequent to January 1, 2002, in which case that member's appointment shall continue without interruption. The membership of the board shall include the following:

1. Three (3) current or former participants in the juvenile justice system;
2. An employee of the Department of Juvenile Justice;
3. An employee of the Cabinet for Health and Family Services~~[Families and Children]~~;
4. A person operating alternative detention programs;
5. An employee of the Department of Education;
6. An employee of the Department of Public Advocacy;
7. An employee of the Administrative Office of the Courts;
8. A representative from a private nonprofit organization with an interest in youth services;
9. A representative from a local juvenile delinquency prevention council;
10. A member of the Circuit Judges Association;
11. A member of the District Judges Association;
12. A member of the County Attorneys Association;
13. A member of the County Judge/Executives Association;
14. A person from the business community not associated with any other group listed in this paragraph;
15. A parent not associated with any other group listed in this paragraph;

- 1           16. A youth advocate not associated with any other group listed in this
- 2           paragraph;
- 3           17. A victim of a crime committed by a person under the age of eighteen
- 4           (18) not associated with any other group listed in this paragraph;
- 5           18. A local school district special education administrator not associated
- 6           with any other group listed in this paragraph;
- 7           19. A peace officer not associated with any other group listed in this
- 8           paragraph; and
- 9           20. A college or university professor specializing in law, criminology,
- 10          corrections, psychology, or similar discipline with an interest in juvenile
- 11          corrections programs.
- 12          (c) Failure of any member to attend three (3) meetings within a calendar year
- 13          shall be deemed a resignation from the board. The board chair shall notify the
- 14          Governor of any vacancy and submit recommendations for appointment.
- 15          (6) The Department of Juvenile Justice shall, in cooperation with the Department of
- 16          Public Advocacy, develop a program of legal services for juveniles committed to
- 17          the department who are placed in state-operated residential treatment facilities and
- 18          juveniles in the physical custody of the department who are detained in a state-
- 19          operated detention facility, who have legal claims related to the conditions of their
- 20          confinement involving violations of federal or state statutory or constitutional
- 21          rights. This system may utilize technology to supplement personal contact. The
- 22          Department of Juvenile Justice shall promulgate an administrative regulation to
- 23          govern at least the following aspects of this subsection:
- 24                  (a) Facility access;
- 25                  (b) Scheduling; and
- 26                  (c) Access to residents' records.
- 27          (7) The Department of Juvenile Justice may, if space is available and conditioned upon

1 the department's ability to regain that space as needed, contract with another state or  
 2 federal agency to provide services to youth of that agency.

3 Section 86. KRS 15A.190 is amended to read as follows:

- 4 (1) The Justice Cabinet in consultation with the Cabinet for *Health and Family*  
 5 *Services*~~[Families and Children]~~, the Kentucky Commission on Women, and any  
 6 other agency concerned with particular acts of criminal activity, shall design, print,  
 7 and distribute to all law enforcement agencies in the Commonwealth, a uniform  
 8 reporting form which provides statistical information relating to the crimes  
 9 involving domestic violence, child abuse, victimization of the elderly, or any other  
 10 particular area of criminal activity deemed by the secretary of justice to require  
 11 research as to its frequency.

- 12 (2) The provision of subsection (1) of this section concerning the distribution of forms  
 13 shall become effective on January 1, 1979.

14 Section 87. KRS 15A.310 is amended to read as follows:

- 15 (1) The Department of Juvenile Justice, the Cabinet for Health *and Family* Services,  
 16 the Department of Corrections, the Administrative Office of the Courts, and the  
 17 Kentucky State Police shall be responsible for the recording of those data elements  
 18 for juveniles that are needed for the development of the centralized criminal history  
 19 record information system.
- 20 (2) The database shall at a minimum contain the information required in KRS 27A.310  
 21 to 27A.440.
- 22 (3) The Department of Juvenile Justice shall provide access to Commonwealth's  
 23 attorneys, county attorneys, law enforcement agencies, the Kentucky State Police,  
 24 the Department of Corrections, the Cabinet for Health *and Family* Services, and the  
 25 Administrative Office of the Courts to its database.

26 Section 88. KRS 16.095 is amended to read as follows:

- 27 (1) The Justice Cabinet shall require all officers employed by them to complete an

1 educational course approved by the Cabinet for Health and Family Services on  
2 human immunodeficiency virus infection and acquired immunodeficiency  
3 syndrome. The Justice Cabinet shall develop literature on the human  
4 immunodeficiency virus infection and acquired immunodeficiency syndrome and a  
5 training curriculum of not more than four (4) hours for the instruction of officers.  
6 The literature and training curriculum shall include information of known modes of  
7 transmission and methods of controlling and preventing these diseases with an  
8 emphasis on appropriate behavior and attitude change. This training may be part of  
9 any other training required and for which law enforcement officers receive an  
10 allowance to attend. However, nonreceipt of allowance does not exclude a law  
11 enforcement officer from the training required in this section.

- 12 (2) All officers shall successfully complete the training required. Any person holding  
13 the position of officer shall not exercise that position for more than one (1) year  
14 without successfully completing the required training. If an officer does not  
15 successfully complete the required training within the time specified, he shall be  
16 suspended from further service as an officer until he successfully completes the  
17 required training.

18 Section 89. KRS 17.131 is amended to read as follows:

- 19 (1) There is hereby established the Kentucky Unified Criminal Justice Information  
20 System, referred to in this chapter as the "system." The system shall be a joint effort  
21 of the criminal justice agencies and the courts. Notwithstanding any statutes,  
22 administrative regulations, and policies to the contrary, if standards and  
23 technologies other than those set by the Governor's Office for Technology are  
24 required, the Commonwealth's chief information officer shall review, expedite, and  
25 grant appropriate exemptions to effectuate the purposes of the unified criminal  
26 justice information system. Nothing in this section shall be construed to hamper any  
27 public officer or official, agency, or organization of state or local government from



furnishing information or data that they are required or requested to furnish and which they are allowed to procure by law, to the General Assembly, the Legislative Research Commission, or a committee of either. For the purposes of this section, "criminal justice agencies" include all departments of the Justice Cabinet, the Unified Prosecutorial System, Commonwealth's attorneys, county attorneys, the Transportation Cabinet, the Cabinet for Health and Family Services, and any agency with the authority to issue a citation or make an arrest.

(2) The program to design, implement, and maintain the system shall be under the supervision of the Uniform Criminal Justice Information System Committee of the Criminal Justice Council. The membership of this committee shall be determined by the council, upon the recommendation of the Governor's chief information officer, who shall chair the committee.

(3) The committee shall be responsible for recommending standards, policies, and other matters to the secretary of justice for promulgation of administrative regulations in accordance with KRS Chapter 13A to implement the policies, standards, and other matters relating to the system and its operation.

(4) The committee shall submit recommendations to the Criminal Justice Council and the secretary of justice for administrative regulations to implement the uniform policy required to operate the system. The committee shall implement the uniform policy.

(5) The uniform policy shall include a system to enable the criminal justice agencies and the courts to share data stored in each other's information systems. Initially, the uniform policy shall maximize the use of existing databases and platforms through the use of a virtual database created by network linking of existing databases and platforms among the various departments. The uniform policy shall also develop plans for the new open system platforms before the existing platforms become obsolete.

- 1 (6) The committee shall be responsible for recommending to the Criminal Justice  
2 Council and the secretary of justice any necessary changes in administrative  
3 regulations necessary to implement the system. The committee shall also  
4 recommend to the Criminal Justice Council, the Chief Justice, and the secretary of  
5 justice recommendations for statutory additions or changes necessary to implement  
6 and maintain the system. The secretary shall be responsible for reporting approved  
7 statutory recommendations to the Governor, the Chief Justice, the Legislative  
8 Research Commission, and appropriate committees of the General Assembly.
- 9 (7) The chair of the committee shall report annually to the Criminal Justice Council on  
10 the status of the system.
- 11 (8) All criminal justice agencies shall follow the policies established by administrative  
12 regulation for the exchange of data and connection to the system.
- 13 (9) The committee shall review how changes to existing criminal justice agency  
14 applications impact the new integrated network. Changes to criminal justice agency  
15 applications that have an impact on the integrated network shall be coordinated  
16 through and approved by the committee.
- 17 (10) Any future state-funded expenditures by a criminal justice agency for computer  
18 platforms in support of criminal justice applications shall be reviewed by the  
19 committee.
- 20 (11) Any criminal justice agency or officer that does not participate in the criminal  
21 justice information system may be denied access to state and federal grant funds.

22 Section 90. KRS 17.151 is amended to read as follows:

23 The Kentucky State Police shall, in cooperation with the Administrative Office of the  
24 Courts, the Department of Juvenile Justice, the Cabinet for Health and Family Services,  
25 and the Department of Corrections, be responsible for the recording of those data  
26 elements that are needed for development of the centralized criminal history record  
27 information system:

- 1 (1) The database shall at a minimum contain the information required in KRS 27A.310  
2 to 27A.440;
- 3 (2) The Kentucky State Police shall provide access to the Administrative Office of the  
4 Courts, the Department of Juvenile Justice, the Cabinet for Health and Family  
5 Services, and the Department of Corrections to its database; and
- 6 (3) The Kentucky State Police, the Department of Juvenile Justice, the Cabinet for  
7 Health and Family Services, and the Department of Corrections shall assign the  
8 same identification number or other variable to each person whose name appears in  
9 the database.

10 Section 91. KRS 17.152 is amended to read as follows:

11 All data supplied to the centralized criminal history record information system by the  
12 Kentucky State Police, Administrative Office of the Courts, the Department of Juvenile  
13 Justice, the Cabinet for Health and Family Services, and the Department of Corrections  
14 shall be compatible with the system and shall contain both citation and personal  
15 identification numbers.

16 Section 92. KRS 17.165 is amended to read as follows:

- 17 (1) As used in this section, "sex crime" means a conviction or a plea of guilty for a  
18 violation or attempted violation of KRS 510.040 to 510.140, 529.020 to 529.050,  
19 530.020, 530.065, 531.310, 531.320, and 531.340 to 531.370. Conviction for a  
20 violation or attempted violation of an offense committed outside the  
21 Commonwealth of Kentucky is a sex crime if such offense would have been a crime  
22 in Kentucky under one (1) of the above sections if committed in Kentucky.
- 23 (2) As used in this section, "violent offender" means any person who has been  
24 convicted of or pled guilty to the commission of a capital offense, Class A felony,  
25 or Class B felony involving the death of the victim, or rape in the first degree or  
26 sodomy in the first degree of the victim or serious physical injury to a victim.
- 27 (3) As used in this section, "violent crime" shall mean a conviction of or a plea of guilty

1 to the commission of a capital offense, Class A felony, or Class B felony involving  
 2 the death of the victim, or rape in the first degree or sodomy in the first degree of  
 3 the victim or serious physical injury to a victim.

4 (4) No child-care center as defined in KRS 199.894 shall employ, in a position which  
 5 involves supervisory or disciplinary power over a minor, or direct contact with a  
 6 minor, any person who is a violent offender or has been convicted of a sex crime.  
 7 Each child-care center shall request all conviction information for any applicant for  
 8 employment from the Justice Cabinet or the Administrative Office of the Courts  
 9 prior to employing the applicant.

10 (5) No child-care provider that is required to be certified under KRS 199.8982 or that  
 11 receives a public child-care subsidy administered by the cabinet or an adult who  
 12 resides on the premises of the child-care provider and has direct contact with a  
 13 minor shall have been convicted of a violent crime, or a sex crime, or have been  
 14 found by the Cabinet for Health and Family Services~~[Families and Children]~~ or a  
 15 court to have abused or neglected a child.

16 (6) Each application form, provided by the employer to the applicant, shall  
 17 conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT,  
 18 STATE LAW REQUIRES A CRIMINAL RECORD CHECK AS A CONDITION  
 19 OF EMPLOYMENT."

20 (7) Any request for records under subsection (4) of this section shall be on a form  
 21 approved by the Justice Cabinet or the Administrative Office of the Courts, and the  
 22 cabinet may charge a fee to be paid by the applicant in an amount no greater than  
 23 the actual cost of processing the request.

24 (8) The provisions of this section shall apply to all applicants for initial employment in  
 25 a position which involves supervisory or disciplinary power over a minor after July  
 26 15, 1988.

27 Section 93. KRS 17.460 is amended to read as follows:

- 1 (1) Upon notification by a parent, guardian, person exercising custodial control or  
2 supervision, or the authorized representative of the Department for Community  
3 Based Services of the Cabinet for Health and Family Services~~[Families and~~  
4 ~~Children]~~ if the child is a ward of the state, that a child is missing, the law  
5 enforcement agency receiving notification shall immediately complete a missing  
6 person's report in a form prescribed by the Justice Cabinet which shall include  
7 information the Justice Cabinet deems necessary for the identification of the  
8 missing child, including the child's physical description, last known location, and  
9 known associates.
- 10 (2) Within twenty-four (24) hours after completion of the missing person's report form,  
11 the law enforcement agency shall transmit the report for inclusion within the  
12 Kentucky Missing Child Information Center computer and shall cause the report to  
13 be entered into the National Crime Information Center computer.
- 14 (3) Within twenty-four (24) hours thereafter, the law enforcement agency shall  
15 investigate the report, shall inform all appropriate law enforcement officers of the  
16 existence of the missing child report, and shall communicate the report to every  
17 other law enforcement agency having jurisdiction in the area.
- 18 (4) (a) Upon location of the missing child and verification of the National Crime  
19 Information Center entry, the law enforcement agency shall transport the child  
20 to the parent, guardian, or person exercising custodial control or supervision.
- 21 (b) If the child is a ward of the state, the law enforcement agency shall transport  
22 the child to the authorized representative of the Department for Community  
23 Based Services of the Cabinet for Health and Family Services~~[Families and~~  
24 ~~Children]~~ in the jurisdiction of the law enforcement agency.
- 25 (c) If the law enforcement agency is unable to return the child to the appropriate  
26 caretaker pursuant to paragraph (a) of this subsection, the law enforcement  
27 agency shall contact the court-designated worker with jurisdiction for

1 placement determination.

2 (d) If the child is in custody on a charge of committing an offense pursuant to  
3 KRS Chapters 600 to 645, the law enforcement agency shall proceed  
4 according to the provisions therein.

5 (5) Within twenty-four (24) hours after a missing child is located and returned to the  
6 appropriate caretaker pursuant to subsection (4) of this section, the law enforcement  
7 agency which transported, found, or returned the missing child shall notify both the  
8 Missing Child Information Center and the National Crime Information Center of  
9 that fact.

10 Section 94. KRS 17.990 is amended to read as follows:

11 (1) Any person who violates any of the provisions of KRS 17.320 to 17.340 shall be  
12 fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

13 (2) Any public official or employee who knowingly or intentionally makes, or causes to  
14 be made, a false return of information to the department shall be punished by  
15 confinement in jail for not more than ninety (90) days, by a fine not exceeding five  
16 hundred dollars (\$500), or both.

17 (3) (a) Any child-care center which violates KRS 17.165(4) or child-care provider  
18 that violates KRS 17.165(5) may be liable for license or certification  
19 revocation and the imposition of a civil penalty of not less than five hundred  
20 dollars (\$500) and not more than one thousand dollars (\$1,000) to be imposed  
21 and collected by the Cabinet for Health and Family Services ~~[Families and~~  
22 ~~Children]~~; and

23 (b) In addition to penalties listed in this subsection, any child-care center which  
24 violates KRS 17.165(4) or child-care provider that violates KRS 17.165(5)  
25 shall be fined not less than five hundred dollars (\$500) or more than one  
26 thousand dollars (\$1,000).

27 Section 95. KRS 18A.030 is amended to read as follows:

- 1 (1) The secretary shall be the executive and administrative head of the cabinet and shall  
2 supervise and control all examinations and work of the cabinet. He shall advise the  
3 board on matters pertaining to the classified service of this state. Within the  
4 limitations of the budget, the secretary shall appoint and supervise the staff needed  
5 in the cabinet to carry out the purposes of KRS 18A.005 to 18A.200 except  
6 employees of the board who shall be appointed as provided in KRS 18A.090.
- 7 (2) Subject to the provisions of this chapter and KRS Chapter 13A, the secretary shall,  
8 with the aid of his staff:
- 9 (a) Attend all meetings of the board;
  - 10 (b) As provided by this chapter, promulgate comprehensive administrative  
11 regulations consistent with the provisions of KRS Chapters 13A and 18A, and  
12 with federal standards for the administration of a personnel system in the  
13 agencies of the state government receiving federal grants;
  - 14 (c) Establish general procedures for personnel recruitment, for certification, and  
15 for improving the efficiency of employed personnel;
  - 16 (d) Appoint the examiners and technicians necessary for the conduct of the  
17 personnel program, whether on a permanent or temporary basis;
  - 18 (e) Prepare and maintain a record of all employees, showing for each employee  
19 his name, address, title of position held, rate of compensation, changes in  
20 status, compensation, or title, transfer, and to make the data and the class  
21 specifications for all positions available to the press and public;
  - 22 (f) Prepare, in accordance with the provisions of KRS 18A.005 to 18A.200 and  
23 the administrative regulations adopted thereunder, examinations, eligible lists,  
24 and ratings of candidates for appointment;
  - 25 (g) Make certification for appointment or promotion within the classified service,  
26 in accordance with the provisions of KRS 18A.005 to 18A.200;
  - 27 (h) Make investigations concerning all matters touching the enforcement and

- 1 effect of the provisions of KRS 18A.005 to 18A.200 and administrative  
2 regulations prescribed thereunder;
- 3 (i) Prepare, in cooperation with appointing authorities and others, programs for  
4 employee training, safety, morale, work motivation, health, counseling, and  
5 welfare, and exercise leadership in the development of effective personnel  
6 administration within the several departments of the Commonwealth, and  
7 make available the facilities of the department to this end;
- 8 (j) Provide personnel services to unclassified employees in agreement with the  
9 agencies involved not otherwise provided for in KRS 18A.005 to 18A.200;
- 10 (k) Present, in accordance with the provisions of KRS Chapter 48, budget  
11 requests for the support of the personnel system created by KRS 18A.005 to  
12 18A.200, excluding the board, which shall present its own budget estimates;
- 13 (l) Make a report and submit the same to the board, the Legislative Research  
14 Commission, and the Governor not later than October first of each year; and
- 15 (m) Discharge the other duties imposed upon him by KRS 18A.005 to 18A.200.
- 16 (3) The secretary on behalf of the cabinet may join or subscribe to any association or  
17 service having as its purpose the interchange of information relating to the  
18 improvement of the public service and especially improvement of personnel  
19 administration.
- 20 (4) The secretary shall keep records relative to employee turnover and report to the  
21 board, the Governor, and the Legislative Research Commission quarterly. The  
22 report shall reflect employee turnover rates by cabinet, department, bureau, division,  
23 and section. If any cabinet, department, bureau, division, or section has a turnover  
24 rate of fifteen percent (15%) or more in any twelve (12) month period, the secretary  
25 shall conduct an investigation into the reasons for the turnover and report the  
26 findings to the board, the Governor, and the Legislative Research Commission.
- 27 (5) The secretary shall provide to each new state employee and to each existing state



1 employee, classified or otherwise, on an annual basis an informational pamphlet  
2 about human immunodeficiency virus infection and acquired immunodeficiency  
3 syndrome. The pamphlet shall be approved by the Cabinet for Health and Family  
4 Services and shall contain information about the nature and extent of these diseases,  
5 methods of transmission, preventive measures, and referral services.

6 Section 96. KRS 18A.180 is amended to read as follows:

7 (1) Subject to the approval of the board, the secretary may enter into agreements with  
8 any municipality or other political subdivision of the Commonwealth to furnish  
9 services and facilities of the cabinet to the municipality or political subdivision in  
10 the administration of its personnel on merit principles. Any such agreement shall  
11 provide for the reimbursement to the cabinet, under contract, of the reasonable cost  
12 of the services and facilities furnished, as determined by the secretary. All  
13 municipalities and political subdivisions of the Commonwealth are hereby  
14 authorized to enter into these agreements.

15 (2) The secretary may cooperate with the governmental agencies of other jurisdictions  
16 charged with personnel administration in conducting joint tests and establishing  
17 joint lists from which eligibles shall be certified for appointment in accordance with  
18 the provisions of KRS 18A.005 to 18A.200.

19 (3) The secretary may, upon the request of the secretary of the Cabinet for Health and  
20 Family Services and upon the approval of the board, furnish merit system services  
21 to "local" departments of health.

22 Section 97. KRS 23A.2065 is amended to read as follows:

23 In addition to the twenty dollar (\$20) fee created by KRS 23A.206, in criminal cases a  
24 five dollar (\$5) fee shall be added to the costs imposed by KRS 23A.205 that the  
25 defendant is required to pay. The fees collected under this section shall be allocated to the  
26 Cabinet for Health and Family Services for the implementation and operation of a  
27 telephonic behavioral health jail triage system as provided in KRS 210.365 and 441.048.

1       Section 98. KRS 24A.1765 is amended to read as follows:

2       In addition to the twenty dollar (\$20) fee created by KRS 24A.176, in criminal cases a  
3       five dollar (\$5) fee shall be added to the costs imposed by KRS 24A.175 that the  
4       defendant is required to pay. The fees collected under this section shall be allocated to the  
5       Cabinet for Health and Family Services for the implementation and operation of a  
6       telephonic behavioral health jail triage system as provided in KRS 210.365 and 441.048.

7       Section 99. KRS 27A.080 is amended to read as follows:

8       (1) The Administrative Office of the Courts shall be the primary repository of court  
9       records of juveniles charged with, arrested for, and against whom complaints have  
10      been filed, involving status offenses, public offenses, and youthful offender  
11      proceedings, together with all court records of the handling and disposition of those  
12      cases, and shall keep and maintain these records.

13      (2) The Administrative Office of the Courts shall make juvenile records available to the  
14      agencies and persons specified by law.

15      (3) All courts, law enforcement agencies, prosecutors, the Department of Juvenile  
16      Justice, the Cabinet for Health and Family Services~~[Families and Children]~~, the  
17      Justice Cabinet, and other agencies holding records coming within the purview of  
18      subsection (1) of this section shall make them available to the Administrative Office  
19      of the Courts in the manner and at the times specified by the Administrative Office  
20      of the Courts.

21      Section 100. KRS 27A.300 is amended to read as follows:

22      The Administrative Office of the Courts shall, in cooperation with the Kentucky State  
23      Police, the Department of Juvenile Justice, the Cabinet for Health and Family Services,  
24      and the Department of Corrections, be responsible for the recording of those data  
25      elements that are needed for development of the centralized criminal history record  
26      information system:

27      (1) The database shall at a minimum contain the information contained in KRS

1 27A.310 to 27A.440;

2 (2) The Administrative Office of the Courts shall provide access to the Kentucky State  
3 Police, the Department of Juvenile Justice, the Cabinet for Health and Family  
4 Services, and the Department of Corrections to its database; and

5 (3) The Administrative Office of the Courts shall, where the number is known, assign  
6 the same identification number or other variable to each person whose name  
7 appears in the database.

8 Section 101. KRS 31.110 is amended to read as follows:

9 (1) A needy person who is being detained by a law enforcement officer, on suspicion of  
10 having committed, or who is under formal charge of having committed, or is being  
11 detained under a conviction of, a serious crime, or who is accused of having  
12 committed a public or status offense or who has been committed to the Department  
13 of Juvenile Justice or Cabinet for Health and Family Services~~[Families and~~  
14 ~~Children]~~ for having committed a public or status offense as those are defined by  
15 KRS 610.010(1)(a), (b), (c), or (d) or 630.020(2) is entitled:

16 (a) To be represented by an attorney to the same extent as a person having his  
17 own counsel is so entitled; and

18 (b) To be provided with the necessary services and facilities of representation  
19 including investigation and other preparation. The courts in which the  
20 defendant is tried shall waive all costs.

21 (2) A needy person who is entitled to be represented by an attorney under subsection  
22 (1) of this section is entitled:

23 (a) To be counseled and defended at all stages of the matter beginning with the  
24 earliest time when a person providing his own counsel would be entitled to be  
25 represented by an attorney and including revocation of probation or parole;

26 (b) To be represented in any appeal; and

27 (c) To be represented in any other post-conviction, or, if a minor under the age of

1           eighteen (18), post-disposition proceeding that the attorney and the needy  
 2           person considers appropriate. However, if the counsel appointed in such post-  
 3           conviction, or, if a minor under the age of eighteen (18), post-disposition  
 4           remedy, with the court involved, determines that it is not a proceeding that a  
 5           reasonable person with adequate means would be willing to bring at his own  
 6           expense, there shall be no further right to be represented by counsel under the  
 7           provisions of this chapter.

8       (3) A needy person's right to a benefit under subsection (1) or (2) of this section is not  
 9           affected by his having provided a similar benefit at his own expense, or by his  
 10          having waived it, at an earlier stage.

11       (4) A person, whether a needy person or not, who is a minor under the age of eighteen  
 12          (18) and who is in the custody of the Department of Juvenile Justice and is residing  
 13          in a residential treatment center or detention center is entitled to be represented on a  
 14          legal claim related to his or her confinement involving violations of federal or state  
 15          statutory rights or constitutional rights.

16       Section 102. KRS 42.560 is amended to read as follows:

17       (1) There is established in the Treasury of the Commonwealth a trust fund to be known  
 18          as the "Energy Assistance Trust Fund" referred to in KRS 42.560 to 42.572 as the  
 19          "trust fund."

20       (2) The trust fund shall consist of any oil overcharge refunds which become available to  
 21          the state as a result of litigation for alleged overcharges for crude oil or refined  
 22          petroleum products sold during the period of time in which federal price controls on  
 23          such products were in effect, any moneys as may be appropriated by the general  
 24          fund, and any investment interest earned on the fund.

25       (3) The fund shall be managed by the state Office of Financial Management and all  
 26          moneys in excess of the amount to be disbursed in a given fiscal year shall be  
 27          invested to maximize returns. The principal and any interest earnings of the trust

1 fund shall at no time lapse to the general fund.

- 2 (4) The trust fund and all accumulated interest shall be disbursed over a period of time  
 3 not exceeding ten (10) years from February 19, 1988. Interest accumulated during  
 4 the 1987-88 fiscal year shall immediately be available for disbursement. Fifty  
 5 thousand dollars (\$50,000) of the interest shall be allocated to the Legislative  
 6 Research Commission for consultant costs for a study of energy conservation and  
 7 weatherization programs as directed by the 1988 General Assembly. The remainder  
 8 of the accumulated interest shall be made available to the Cabinet for Health and  
 9 Family Services~~[Families and Children]~~ with fifty percent (50%) of the interest  
 10 allocated to weatherization services to low-income households and fifty percent  
 11 (50%) of the interest allocated to low-income energy assistance services. The funds  
 12 to be available for expenditure in any fiscal year shall be appropriated by the  
 13 General Assembly from the trust fund as provided in KRS 48.300.

14 Section 103. KRS 42.566 is amended to read as follows:

- 15 (1) The funds appropriated by the General Assembly shall be expended in a manner  
 16 consistent with the judgments and settlements, as amended, which produced the oil  
 17 overcharge refunds, as follows:
- 18 (a) The sum of five hundred thousand dollars (\$500,000) or eight percent (8%) of  
 19 the amount appropriated each fiscal year, whichever is greater, shall be  
 20 distributed annually to the Natural Resources and Environmental Protection  
 21 Cabinet for expenditure in the Institutional Conservation Program established  
 22 pursuant to Part G of Title III of the Energy Policy and Conservation Act, 42  
 23 U.S.C. secs. 6371 et seq. The source of these funds shall be deemed to be the  
 24 trust funds produced by the Stripper Well litigation, In Re Department of  
 25 Energy Stripper Well Exemption Litigation, D.C. Kan., M.D.L. No. 378, and  
 26 the Diamond Shamrock litigation, Diamond Shamrock Refining Co. v.  
 27 Standard Oil of Indiana, D.C. Ind., Civil Action No. C-84-1432, and interest

1 accumulated thereon.

2 (b) The balance of the trust funds appropriated for expenditure in any fiscal year  
3 shall be distributed to the Cabinet for **Health and Family Services**~~[Families~~  
4 ~~and Children]~~ and allocated as follows:

5 1. Forty percent (40%) of the trust funds received by the cabinet in any  
6 fiscal year shall be allocated to the cabinet's program for weatherization  
7 of low-income households established pursuant to Part A of the Energy  
8 Conservation and Existing Buildings Act of 1976, 42 U.S.C. secs. 6861  
9 et seq.; and

10 2. Sixty percent (60%) of the trust funds received by the cabinet in any  
11 fiscal year shall be allocated to the cabinet's program for energy crisis or  
12 prevention services for low-income households established pursuant to  
13 the Low-Income Home Energy Assistance Act of 1981, 42 U.S.C. secs.  
14 8621 et seq.

15 Section 104. KRS 44.030 is amended to read as follows:

16 (1) No money shall be paid to any person on a claim against the state in his own right,  
17 or as an assignee of another, when he or his assignor is indebted to the state. The  
18 claim, to the extent it is allowed, shall be credited to the account of the person so  
19 indebted, and if there is any balance due him after settling the whole demand of the  
20 state that balance shall be paid to him.

21 (2) The Finance and Administration Cabinet shall provide the Cabinet for **Health and**  
22 **Family Services**~~[Families and Children]~~ with a quarterly report of all tort claims  
23 made against the state by individuals that the Cabinet for **Health and Family**  
24 **Services**~~[Families and Children]~~ shall compare with the child support database to  
25 match individuals who have a child support arrearage and may receive a settlement  
26 from the state.

27 (3) Each organizational unit and administrative body in the executive branch of state

government, as defined in KRS 12.010, and the Court of Justice in the judicial branch of state government shall provide information to the State Treasurer concerning any debt it has referred to the Revenue Cabinet for collection under KRS 45.241.

- (4) Each agency and the Court of Justice shall provide information to the State Treasurer concerning any debt referred to the Revenue Cabinet for collection under KRS 45.237.

Section 105. KRS 45.236 is amended to read as follows:

Notwithstanding the provisions of KRS 45.229 and notwithstanding any other provision of the Kentucky Revised Statutes, any unexpended or unencumbered balance of any Social Security appropriation, made available for expenditure by the Cabinet for Health and Family Services~~[Families and Children]~~ in the administration of its child welfare functions for the first fiscal year of each biennium, remaining at the end of that fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion shall lapse to the general expenditure fund.

Section 106. KRS 45.850 is amended to read as follows:

- (1) Appropriations for the capital construction and for the operating budget of a nuclear waste disposal site owned by the Commonwealth shall be set forth as a major program cost in the executive budget document for the Natural Resources and Environmental Protection Cabinet.
- (2) Appropriations for the regulating and monitoring of a nuclear waste disposal site owned by the Commonwealth shall be set forth as a major program cost in the executive budget document for the Cabinet for Health and Family Services. Monitoring and water sampling and analyses shall be maintained and budgeted for at a level to provide frequent and continuing evidence of the safety of the site.
- (3) Operating costs associated with the daily maintenance of the site in excess of

allocations budgeted to the Natural Resources and Environmental Protection Cabinet, regulating and monitoring costs associated with normal surveillance of the site in excess of allocations budgeted to the Cabinet for Health and Family Services, and costs associated with an emergency at the site so declared by the Governor shall be deemed necessary governmental expenses.

(4) In the event a request for funds is made pursuant to subsection (3) of this section, a copy of the request and the justification for additional funds shall be forwarded to the office of the Legislative Research Commission and to the Governor at the time the request is made but no later than fifteen (15) days prior to the actual expenditure of additional funds. The Legislative Research Commission or its designated subcommittee may request further explanation of the need for additional funds.

(5) Subsections (3) and (4) of this section shall apply only to sites located in the Commonwealth prior to July 15, 1980.

Section 107. KRS 45A.690 is amended to read as follows:

(1) As used in KRS 45A.690 to 45A.725:

(a) "Committee" means the Government Contract Review Committee of the Legislative Research Commission;

(b) "Contracting body" means each state board, bureau, commission, department, division, authority, university, college, officer, or other entity, except the Legislature, authorized by law to contract for personal services;

(c) "Governmental emergency" means an unforeseen event or set of circumstances that creates an emergency condition as determined by the committee by promulgation of an administrative regulation;

(d) "Memorandum of agreement" means any memorandum of agreement, memorandum of understanding, program administration contract, interlocal agreement to which the Commonwealth is a party, privatization contract, or similar device relating to services between a state agency and any other



1 governmental body or political subdivision of the Commonwealth that  
 2 involves an exchange of resources or responsibilities to carry out a  
 3 governmental function. It includes agreements by regional cooperative  
 4 organizations formed by local boards of education or other public educational  
 5 institutions for the purpose of providing professional educational services to  
 6 the participating organizations and agreements with Kentucky Distinguished  
 7 Educators pursuant to KRS 158.782. This definition does not apply to:

- 8 1. Agreements between the Transportation Cabinet and any political  
 9 subdivision of the Commonwealth for road and road-related projects;
- 10 2. Agreements between the Auditor of Public Accounts and any other  
 11 governmental agency or political subdivision of the Commonwealth for  
 12 auditing services;
- 13 3. Agreements between state agencies as required by federal or state law;
- 14 4. Agreements between state agencies and state universities or colleges and  
 15 agreements between state universities or colleges and employers of  
 16 students in the Commonwealth work-study program sponsored by the  
 17 Kentucky Higher Education Assistance Authority;
- 18 5. Agreements involving child support collections and enforcement;
- 19 6. Agreements with public utilities, providers of direct Medicaid health  
 20 care to individuals except for any health maintenance organization or  
 21 other entity primarily responsible for administration of any program or  
 22 system of Medicaid managed health care services established by law or  
 23 by agreement with the Cabinet for Health and Family Services, and  
 24 transit authorities;
- 25 7. Nonfinancial agreements;
- 26 8. Any obligation or payment for reimbursement of the cost of corrective  
 27 action made pursuant to KRS 224.60-140;

- 1           9. Exchanges of confidential personal information between agencies;
- 2           10. Agreements between state agencies and rural concentrated employment
- 3                 programs; or
- 4           11. Any other agreement that the committee deems inappropriate for
- 5                 consideration;

6           (e) "Multicontract" means a group of personal service contracts between a

7                 contracting body and individual vendors providing the same or substantially

8                 similar services to the contracting body that, for purposes of the committee,

9                 are treated as one (1) contract; and

10          (f) "Personal service contract" means an agreement whereby an individual, firm,

11                 partnership, or corporation is to perform certain services requiring

12                 professional skill or professional judgment for a specified period of time at a

13                 price agreed upon. It includes all price contracts for personal services between

14                 a governmental body or political subdivision of the commonwealth and any

15                 other entity in any amount. This definition does not apply to:

- 16           1. Agreements between the Department of Parks and a performing artist or
- 17                 artists for less than five thousand dollars (\$5,000) per fiscal year per
- 18                 artist or artists;
- 19           2. Agreements with public utilities, foster care parents, providers of direct
- 20                 Medicaid health care to individuals except for any health maintenance
- 21                 organization or other entity primarily responsible for administration of
- 22                 any program or system of Medicaid managed health care services
- 23                 established by law or by agreement with the Cabinet for Health and
- 24                 Family Services, individuals performing homemaker services, and
- 25                 transit authorities;
- 26           3. Agreements between state universities or colleges and employers of
- 27                 students in the Commonwealth work study program sponsored by the

- 1 Kentucky Higher Education Assistance Authority;
- 2 4. Agreements between a state agency and rural concentrated employment
- 3 programs;
- 4 5. Agreements between the State Fair Board and judges, officials, and
- 5 entertainers contracted for events promoted by the State Fair Board; or
- 6 6. Any other contract that the committee deems inappropriate for
- 7 consideration;

8 (2) Compliance with the provisions of KRS 45A.690 to 45A.725 does not dispense  
 9 with the requirements of any other law necessary to make the personal service  
 10 contract or memorandum of agreement valid.

11 Section 108. KRS 64.625 is amended to read as follows:

12 Physicians employed by county, city-county, and district health departments may, upon  
 13 written recommendation of the hiring and paying authorities expressly approved in  
 14 writing by the secretary for health and family services, receive compensation in excess  
 15 of, and without regard to, any limitation imposed by any existing statute, as employees of  
 16 local health units. Such rates shall be based upon studies of the duties and responsibilities  
 17 of the positions and upon a comparison for rates being paid for similar or comparable  
 18 services elsewhere. The secretary for health and family services may also take into  
 19 consideration other appropriate factors, including the scarcity of physicians qualified for  
 20 public health work and the availability of local funds therefor.

21 Section 109. KRS 65.710 is amended to read as follows:

22 In order to enable cities and counties to fulfill their obligations regarding the public  
 23 health, safety, and welfare, the General Assembly does hereby allow cities and counties to  
 24 contract with private persons, partnerships, or corporations for providing ambulance  
 25 service to the residents of such cities and counties subject to the following conditions:

- 26 (1) These contracts must be in writing and must be approved by the city council or
- 27 board of aldermen if a city is party thereto, or by the fiscal court in case a county is

1 party thereto.

2 (2) No contract shall be made with an ambulance service or other organization or  
3 person unless the contract shall stipulate that at least one (1) person on each  
4 ambulance run shall possess currently valid emergency medical technician  
5 certification.

6 (3) All contracts made with any ambulance service or other organization or person shall  
7 stipulate that all vehicles used for operation of the service comply with vehicle and  
8 equipment administrative regulations issued by the Cabinet for Health and Family  
9 Services.

10 (4) All contracts shall include the stipulation that at least two (2) trained persons, one  
11 (1) driver and one (1) attendant, shall be carried on each ambulance for each  
12 ambulance call which is covered by the contract.

13 (5) No contract shall be made for a period of time greater than one (1) year.

14 (6) The vehicle, equipment, training, and personnel requirements of subsections (2),  
15 (3), and (4) of this section shall also apply to the operation of an ambulance service  
16 by a city or a county or by a city and a county jointly.

17 (7) No provisions of this section shall be construed as to limit the power of any city or  
18 county to contract for or operate ambulance services under requirements which are  
19 stricter than those of this section, or to require insurance, or bonding of contractors,  
20 provided these provisions are not in conflict with the requirements of this section.

21 Section 110. KRS 67.082 is amended to read as follows:

22 (1) Notwithstanding the provisions of KRS 150.370, 525.130, or any other statute that  
23 may be in conflict herewith, any county fiscal court may, whenever an epidemic or  
24 potential epidemic of a disease transmissible to man and domestic animals exists or  
25 is threatened in any species of wildlife, declare all or any portion of that county to  
26 be an epidemic area. Following a declaration, the fiscal court may, with approval of  
27 the Cabinet for Health and Family Services and the Department of Fish and

1 Wildlife Resources, conduct control programs, including population reduction  
2 programs, against any species of wildlife including, but not limited to, red and gray  
3 foxes, skunks, and rodents which may be serving as reservoirs and/or vectors of any  
4 disease transmissible to human beings and/or domestic animals including but not  
5 limited to rabies, leptospirosis, salmonellosis, and Rocky Mountain spotted fever.

6 These control programs may include but shall not be limited to hunting, trapping,  
7 vaccination, and use of poisons. Technical and operational assistance for the  
8 programs shall be made available by the Cabinet for Health and Family Services,  
9 the Department of Fish and Wildlife Resources, and the Department of Agriculture.

10 A control program established under authority of this section may be conducted by  
11 the individual or joint action of the referred-to state agencies, the local health  
12 department, or individual property owners designated as agents of said cabinets and  
13 departments. In the event poisonous baits are used to control an outbreak of rabies  
14 in wildlife, those programs shall be under the direction of the Cabinet for Health  
15 and Family Services. All pet animals in the area shall be quarantined for the  
16 duration of the program by action of the local board of health. These programs shall  
17 be regulated to provide specific identification of bait station locations, daily check  
18 of each bait station, and positive pickup and destruction of all unconsumed baits at  
19 the end of the program.

- 20 (2) No liability shall be imposed upon any state agency or local agency or any employee  
21 or agent thereof for any injury occurring to domesticated animals, individuals, or  
22 property in carrying out programs in good faith authorized by this section, but all  
23 persons and agencies shall be liable to the extent otherwise provided by law for  
24 ordinary and gross negligence.

25 Section 111. KRS 72.225 is amended to read as follows:

26 An advisory commission is hereby established to act in a general advisory capacity to the  
27 medical examiner services. The commissioner of State Police, the commissioner of

1 training, the secretary of justice, and the secretary for health and family services shall be  
2 ex officio members of the advisory commission. The secretary of justice shall appoint  
3 five (5) additional members for terms of four (4) years each or until their successors are  
4 appointed and qualify. Members of the advisory commission shall receive no  
5 compensation for their services but shall be repaid their actual expenses incurred in  
6 attending meetings.

7 Section 112. KRS 72.415 is amended to read as follows:

8 (1) For the purpose of enforcing the provisions of KRS 72.410 to 72.470, coroners and  
9 deputy coroners shall have the full power and authority of peace officers in this  
10 state, including the power of arrest and the authority to bear arms, and shall have the  
11 power and authority to administer oaths, to enter upon public or private premises for  
12 the purpose of making investigations, to seize evidence, to interrogate persons, to  
13 require the production of medical records, books, papers, documents, or other  
14 evidence, and to impound vehicles involved in vehicular deaths, employ special  
15 investigators and photographers, and to expend funds for the purpose of carrying  
16 out the provisions of KRS 72.410 to 72.470. The fiscal court or urban-county  
17 government shall pay all reasonable expenses incurred by the coroner and his  
18 deputy in carrying out his responsibilities under the provisions of KRS 72.410 to  
19 72.470.

20 (2) No person shall be eligible to hold the office of deputy coroner unless he holds a  
21 high school diploma or its recognized equivalent. Every deputy coroner, other than  
22 a licensed physician, shall be required as a condition of office to take during every  
23 calendar year he is in office the training course of at least eighteen (18) hours  
24 provided by the Department of Criminal Justice Training or other courses approved  
25 by the Justice Cabinet after having completed the basic training course the first year  
26 of employment. The training course shall include material developed by the cabinet  
27 and approved by the Cabinet for Health and Family Services on the human

1 immunodeficiency virus infection and acquired immunodeficiency syndrome. The  
 2 material shall include information on known modes of transmission and methods of  
 3 controlling and preventing these diseases with an emphasis on appropriate behavior  
 4 and attitude change.

5 Section 113. KRS 72.465 is amended to read as follows:

6 (1) The coroner shall in his sound discretion determine the extent of inquiry to be made  
 7 into any death occurring under natural circumstances and falling within the  
 8 provisions of KRS 72.410 to 72.470, and if inquiry reveals that the physician of  
 9 record has sufficient knowledge to reasonably state the cause of a death occurring  
 10 under natural circumstances, the coroner may authorize that physician to sign the  
 11 certificate of death. In all other instances, the coroner shall sign the death certificate  
 12 in coroner's cases.

13 (2) In the event an autopsy is performed under the provisions of KRS 72.410 to 72.470  
 14 subsequent to the time that a death certificate has been filed with the Cabinet for  
 15 Health and Family Services, ~~[Office of]~~ Vital Statistics Branch, the coroner shall  
 16 notify the ~~[Office of]~~ Vital Statistics Branch of any change that may be necessary in  
 17 the original certificate.

18 Section 114. KRS 95A.262 is amended to read as follows:

19 (1) The Commission on Fire Protection Personnel Standards and Education shall, in  
 20 cooperation with the Cabinet for Health and Family Services, develop and  
 21 implement a continuing program to inoculate every paid and volunteer firefighter in  
 22 Kentucky against hepatitis B. The program shall be funded from revenues allocated  
 23 to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190.  
 24 Any fire department which has inoculated its personnel during the period of July 1,  
 25 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred  
 26 up to the amount allowed by the Cabinet for Human Resources for hepatitis B  
 27 inoculations.

1 (2) Except as provided in subsection (3) of this section, the Commission on Fire  
2 Protection Personnel Standards and Education shall allot on an annual basis a share  
3 of the funds accruing to and appropriated for volunteer fire department aid to  
4 volunteer fire departments in cities of all classes, fire protection districts organized  
5 pursuant to KRS Chapter 75, county districts established under authority of KRS  
6 67.083, and volunteer fire departments created as nonprofit corporations pursuant to  
7 KRS Chapter 273. The commission shall allot eight thousand dollars (\$8,000)  
8 annually to each qualifying department, and beginning on July 1, 2001, the  
9 commission shall allot eight thousand two hundred fifty dollars (\$8,250) annually to  
10 each qualifying department. Any qualifying department which fails to participate  
11 satisfactorily in the Kentucky fire incident reporting system as described in KRS  
12 304.13-380 shall forfeit annually five hundred dollars (\$500) of its allotment. If two  
13 (2) or more qualified volunteer fire departments, as defined in KRS 95A.500 to  
14 95A.560, merge after January 1, 2000, then the allotment shall be in accordance  
15 with the provisions of KRS 95A.500 to 95A.560. The commission shall recommend  
16 to the commissioner of the Department of Housing, Buildings and Construction the  
17 promulgation of administrative regulations in accordance with the provisions of  
18 KRS Chapter 13A to define satisfactory participation in the Kentucky fire incident  
19 reporting system. Administrative regulations for determining qualifications shall be  
20 based on the number of both paid firefighters and volunteer firemen within a  
21 volunteer fire department, the amount of equipment, housing facilities available,  
22 and such other matters or standards as will best effect the purposes of the volunteer  
23 fire department aid law. A qualifying department shall include at least twelve (12)  
24 firefighters, a chief, and at least one (1) operational fire apparatus or one (1) on  
25 order. Fifty percent (50%) of the firefighters shall have completed at least one-half  
26 (1/2) of one hundred fifty (150) training hours toward certification within the first  
27 six (6) months of the first year of the department's application for certification, and



1       there shall be a plan to complete the one hundred fifty (150) training hours within  
2       the second year. These personnel, equipment, and training requirements shall not be  
3       made more stringent by the promulgation of administrative regulations. No  
4       allotment shall exceed the total value of the funds, equipment, lands, and buildings  
5       made available to the local fire units from any source whatever for the year in which  
6       the allotment is made. A portion of the funds provided for above may be used to  
7       purchase group or blanket health insurance and shall be used to purchase workers'  
8       compensation insurance, and the remaining funds shall be distributed as set forth in  
9       this section.

10    (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance  
11       premium surcharge proceeds accruing to the Firefighters Foundation Program fund  
12       that shall be allocated each fiscal year of the biennium to the firefighters training  
13       center fund, which is hereby created and established, for the purposes of  
14       constructing new or upgrading existing training centers for firefighters. If any  
15       moneys in the training center fund remain uncommitted, unobligated, or  
16       unexpended at the close of the first fiscal year of the biennium, then such moneys  
17       shall be carried forward to the second fiscal year of the biennium, and shall be  
18       reallocated to and for the use of the training center fund, in addition to the second  
19       fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding  
20       any project pursuant to this subsection, a proposed project shall be approved by the  
21       Commission on Fire Protection Personnel Standards and Education as provided in  
22       subsection (4) of this section and shall comply with state laws applicable to capital  
23       construction projects.

24    (4) Applications for funding low-interest loans and firefighters' training centers shall be  
25       submitted to the Commission on Fire Protection Personnel Standards and Education  
26       for their recommendation, approval, disapproval, or modification. The commission  
27       shall review applications periodically, and shall, subject to funds available,

1 recommend which applications shall be funded and at what levels, together with any  
2 terms and conditions the commission deems necessary.

3 (5) Any department or entity eligible for and receiving funding pursuant to this section  
4 shall have a minimum of fifty percent (50%) of its personnel certified as recognized  
5 by the Commission on Fire Protection Personnel Standards and Education.

6 (6) Upon the written request of any department, the Commission on Fire Protection  
7 Personnel Standards and Education shall make available a certified training  
8 program in a county of which such department is located.

9 (7) The amount of reimbursement for any given year for costs incurred by the Kentucky  
10 Community and Technical College System for administering these funds, including,  
11 but not limited to, the expenses and costs of commission operations, shall be  
12 determined by the commission and shall not exceed five percent (5%) of the total  
13 amount of moneys accruing to the Firefighters Foundation Program fund which are  
14 allotted for the purposes specified in this section during any fiscal year.

15 (8) The commission shall withhold from the general distribution of funds under  
16 subsection (2) of this section an amount which it deems sufficient to reimburse  
17 volunteer fire departments for equipment lost or damaged beyond repair due to  
18 hazardous material incidents.

19 (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only  
20 under the following terms and conditions:

21 (a) A volunteer fire department has lost or damaged beyond repair items of  
22 personal protective clothing or equipment due to that equipment having been  
23 lost or damaged as a result of an incident in which a hazardous material (as  
24 defined in any state or federal statute or regulation) was the causative agent of  
25 the loss;

26 (b) The volunteer fire department has made application in writing to the  
27 commission for reimbursement in a manner approved by the commission and

- 1 the loss and the circumstances thereof have been verified by the commission;
- 2 (c) The loss of or damage to the equipment has not been reimbursed by the person
- 3 responsible for the hazardous materials incident or by any other person;
- 4 (d) The commission has determined that the volunteer fire department does not
- 5 have the fiscal resources to replace the equipment;
- 6 (e) The commission has determined that the equipment sought to be replaced is
- 7 immediately necessary to protect the lives of the volunteer firefighters of the
- 8 fire department;
- 9 (f) The fire department has agreed in writing to subrogate all claims for and rights
- 10 to reimbursement for the lost or damaged equipment to the Commonwealth to
- 11 the extent that the Commonwealth provides reimbursement to the department;
- 12 and
- 13 (g) The department has shown to the satisfaction of the commission that it has
- 14 made reasonable attempts to secure reimbursement for its losses from the
- 15 person responsible for the hazardous materials incident and has been
- 16 unsuccessful in the effort.
- 17 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
- 18 this section, the commission may authorize a reimbursement of equipment losses
- 19 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
- 20 whichever is less.
- 21 (11) Moneys which have been withheld during any fiscal year which remain unexpended
- 22 at the end of the fiscal year shall be distributed in the normal manner required by
- 23 subsection (2) of this section during the following fiscal year.
- 24 (12) No volunteer fire department may receive funding for equipment losses more than
- 25 once during any fiscal year.
- 26 (13) The commission shall make reasonable efforts to secure reimbursement from the
- 27 responsible party for any moneys awarded to a fire department pursuant to this

1 section.

2 (14) There shall be allotted each year of the 1992-93 biennium one million dollars  
3 (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01  
4 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge  
5 proceeds accruing to the Firefighters Foundation Program fund for the purpose of  
6 creating a revolving low-interest loan fund, which shall thereafter be self-sufficient  
7 and derive its operating revenues from principal and interest payments. The  
8 commission, in accordance with the procedures in subsection (4) of this section,  
9 may make low-interest loans, and the interest thereon shall not exceed three percent  
10 (3%) annually or the amount needed to sustain operating expenses of the loan fund,  
11 whichever is less, to volunteer fire departments for the purposes of major equipment  
12 purchases and facility construction. Loans shall be made to departments which  
13 achieve the training standards necessary to qualify for volunteer fire department aid  
14 allotted pursuant to subsection (2) of this section, and which do not have other  
15 sources of funds at rates which are favorable given their financial resources. The  
16 proceeds of loan payments shall be returned to the loan fund for the purpose of  
17 providing future loans. If a department does not make scheduled loan payments, the  
18 commission may withhold any grants payable to the department pursuant to  
19 subsection (2) of this section until the department is current on its payments. Money  
20 in the low-interest loan fund shall be used only for the purposes specified in this  
21 subsection. Any funds remaining in the fund at the end of a fiscal year shall be  
22 carried forward to the next fiscal year for the purposes of the fund.

23 (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one  
24 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used  
25 by the commission to conduct training-related activities.

26 Section 115. KRS 96.931 is amended to read as follows:

27 As used in KRS 96.930 to 96.943, unless the context otherwise requires:

- 1 (1) "City" means an incorporated municipality of any class;
- 2 (2) "Governing body" means the body vested by law with the legislative power of  
3 a city;
- 4 (3) "Sewer body" means the body vested with responsibility for the control,  
5 operation, and maintenance of a city's sewer facilities, which may be the  
6 governing body or a board, commission, or agency, created by statute or by  
7 city ordinance, or a private person, performing such functions under lawful  
8 contract with the city;
- 9 (4) "Water supplier" means any person supplying water intended to be used, or  
10 actually used, in any manner resulting in contamination and includes the city  
11 itself, other cities and public bodies, and private operators of water-supplying  
12 facilities;
- 13 (5) "Public health standards" means such standards as are lawfully prescribed  
14 from time to time by the secretary for health and family services, the United  
15 States Public Health Service, or any lawfully constituted county, city, or other  
16 public board, department, or agency, vested with responsibility in this area.

17 Section 116. KRS 116.113 is amended to read as follows:

- 18 (1) Upon receipt of notification from the Cabinet for Health and Family Services or  
19 other reliable sources of the death of a person, the State Board of Elections shall  
20 within five (5) days cause the removal of the name of that person from the voter  
21 registration records it maintains, except that no voter's name may be removed  
22 during the period of time the registration books are closed for any primary, general,  
23 or special election.
- 24 (2) Upon receipt of notification from the circuit clerk that a person has been declared  
25 incompetent, the State Board of Elections shall within five (5) days cause the  
26 removal of the name of that person from the voter registration records it maintains,  
27 except that no voter's name may be removed during the period of time the

1 registration books are closed for any primary, general, or special election.

2 (3) Upon receipt of notification from the Administrative Office of the Courts that a  
3 person has been convicted of a felony offense, the State Board of Elections shall  
4 within five (5) days cause the removal of the name of that person from the voter  
5 registration records it maintains, except that no voter's name may be removed  
6 during the period of time the registration books are closed for any primary, general,  
7 or special election.

8 (4) Following the purge of a name from the records of the State Board of Elections, the  
9 state board shall notify the clerk of the county in which the voter lived of the action;  
10 and the county clerk shall within ten (10) days update the county voter registration  
11 files to reflect the necessary change. If a protest is filed by the voter, the county  
12 board shall hear it at its next regular monthly meeting. If the county board decides  
13 in favor of the protesting voter, the voter's registration record shall be restored,  
14 including his voting record. If the protest is filed while the registration books are  
15 closed and the county board decides in favor of the protesting voter, the county  
16 board shall issue the voter an "Authorization to Vote" for the upcoming election and  
17 the voter's record shall be restored when the registration books open following the  
18 election.

19 Section 117. KRS 141.065 is amended to read as follows:

20 (1) For the purposes of this section, "code" or "Internal Revenue Code" means the  
21 Internal Revenue Code in effect as of December 31, 1981.

22 (2) There shall be allowed as a credit for any taxpayer against the tax imposed by this  
23 chapter for any taxable year, an amount equal to one hundred dollars (\$100) for  
24 each person hired by the taxpayer, if that person has been classified as unemployed  
25 by the Department for Community Based Services of the Cabinet for Health and  
26 Family Services~~[Families and Children]~~, and has been so classified for at least sixty  
27 (60) days prior to his employment by the taxpayer, and if further that person has

1 remained in the employ of the taxpayer for at least one hundred eighty (180)  
2 consecutive days during the taxable year in which the taxpayer claims the credit.

3 (3) No credit shall be allowed to any taxpayer for any person hired under any of the  
4 following circumstances:

5 (a) A person for whom the taxpayer receives federally funded payments for on-  
6 the-job training;

7 (b) For any person who bears any of the relationships to the taxpayer described in  
8 paragraphs (1) through (8) of Section 152(a) of the Internal Revenue Code, or,  
9 if the taxpayer is a corporation, to an individual who owns, directly or  
10 indirectly, more than fifty percent (50%) in value of the outstanding stock of  
11 the corporation as determined with the application of Section 267(c) of the  
12 code;

13 (c) If the taxpayer is an estate or trust, to any person who is a grantor, beneficiary,  
14 or fiduciary of the estate or trust, or is an individual who bears any of the  
15 relationships described in paragraphs (1) through (8) of Section 152(a) of the  
16 code to a grantor, beneficiary, or fiduciary of the estate or trust; or

17 (d) To any person who is a dependent of the taxpayer as described in code Section  
18 152(a)(9), or, if the taxpayer is an estate or trust, of a grantor, beneficiary, or  
19 fiduciary of the estate or trust.

20 (4) For purposes of this section, all employees of all corporations which are members  
21 of the same controlled group of corporations shall be treated as employed by a  
22 single employer. In no instance shall the credit, if any, allowable by subsection (2)  
23 of this section for any employee qualified thereunder be claimed more than once for  
24 any taxable year by such a controlled group of corporations. For purposes of this  
25 subsection, the term "controlled group of corporations" has the meaning given to  
26 that term by code Section 1563(a), except that "more than fifty percent (50%)" shall  
27 be substituted for "at least eighty percent (80%)" each place it appears in code

1 Section 1563(a)(1), and the determination shall be made without regard to  
2 subsections (a)(4) and (e)(3)(c) of code Section 1563.

3 (5) For purposes of this section, all employees of trades or businesses (whether or not  
4 incorporated) which are under common control shall be treated as employed by a  
5 single employer, and in no instance shall the credit, if any, allowable by subsection  
6 (2) of this section for any employee qualified thereunder be claimed more than once  
7 for any taxable year.

8 (6) No credit shall be allowed under subsection (2) of this section to any organization  
9 which is exempt from income tax by this chapter.

10 (7) In the case of an electing small business corporation, the amount of the credit  
11 determined under this section for any taxable year shall be apportioned pro rata  
12 among the persons who are shareholders of the corporation on the last day of the  
13 taxable year, and any person to whom an amount is so apportioned shall be allowed,  
14 subject to code Section 53, a credit under subsection (2) of this section for that  
15 amount.

16 (8) In the case of an estate or trust, the amount of the credit determined under this  
17 section for any taxable year shall be apportioned between the estate or trust and the  
18 beneficiaries on the basis of income of the estate or trust allocable to each, and any  
19 beneficiary to whom any amount has been apportioned under this subsection shall  
20 be allowed, subject to code Section 53, a credit under subsection (2) of this section  
21 for that amount.

22 (9) In no event shall the credit allowed, pursuant to this section, for any taxable year  
23 exceed the tax liability of the taxpayer for the taxable year.

24 Section 118. KRS 142.347 is amended to read as follows:

25 (1) Except when the health and family services secretary has been granted specific  
26 authority in KRS 142.301 to 142.359, the cabinet shall administer the provisions of  
27 KRS 142.301 to 142.359, and shall have all of the powers, rights, duties, and



1 authority with respect to the assessment, collection, refunding, and administration  
2 of the taxes imposed by KRS 142.303, 142.307, 142.309, and 142.311, conferred  
3 generally by the Kentucky Revised Statutes including KRS Chapters 131, 134, and  
4 135.

5 (2) The Cabinet for Health and Family Services shall be responsible for compliance  
6 with all federal reporting requirements regarding the taxes imposed by KRS  
7 142.303, 142.307, 142.309, and 142.311.

8 (3) The Cabinet for Health and Family Services shall fully cooperate with the cabinet  
9 and shall provide the cabinet with any information requested to carry out the  
10 provisions of KRS 142.301 to 142.359.

11 Section 119. KRS 142.351 is amended to read as follows:

12 (1) A report of revenue receipts from the taxes imposed by KRS 142.303, 142.307,  
13 142.309, and 142.311 shall be provided on a quarterly basis by the cabinet to the  
14 health and family services secretary on or before the tenth day of the second month  
15 following the close of each fiscal quarter.

16 (2) It is the responsibility of each provider, subject to tax under KRS 142.303, 142.307,  
17 142.309, and 142.311 to register with the cabinet, and comply with the tax and  
18 reporting provisions of KRS 142.301 to 142.359.

19 Section 120. KRS 148.527 is amended to read as follows:

20 (1) The Department of Travel of the Tourism Development Cabinet shall, after  
21 appropriate research has been conducted, establish and maintain a Kentucky  
22 Certified Retirement Community Program whereby retirees and those planning to  
23 retire are encouraged to make their homes in Kentucky communities that have met  
24 certain criteria to be certified by the Tourism Development Cabinet as a Kentucky  
25 certified retirement community. In support of this program, the Department of  
26 Travel shall identify certain issues of interest to retirees or potential retirees in order  
27 to inform them of the benefits of living in Kentucky. Issues of interest to retirees

1       may include, but are not limited to:

- 2       (a)   Kentucky's state and local tax structure;
- 3       (b)   Housing opportunities and cost;
- 4       (c)   Climate;
- 5       (d)   Personal safety;
- 6       (e)   Working opportunities;
- 7       (f)   Health care services and other services along the continuum of services
- 8           including, but not limited to, home and community based services;
- 9       (g)   Transportation;
- 10       (h)   Continuing education;
- 11       (i)   Leisure living;
- 12       (j)   Recreation;
- 13       (k)   The performing arts;
- 14       (l)   Festivals and events;
- 15       (m)   Sports at all levels; and
- 16       (n)   Other services and facilities that are necessary to enable persons to age in the
- 17           community and in the least restrictive environment.

18   (2)   The mission of the Kentucky Certified Retirement Community Program shall be to:

- 19       (a)   Promote the state as a retirement destination to retirees and those persons and
- 20           families who are planning retirement both in and outside of Kentucky;
- 21       (b)   Assist Kentucky communities in their efforts to market themselves as
- 22           retirement locations and to develop communities that retirees would find
- 23           attractive for a retirement lifestyle;
- 24       (c)   Assist in the development of retirement communities and lifecare
- 25           communities for economic development purposes and as a means of providing
- 26           a potential workforce and enriching Kentucky communities; and
- 27       (d)   Encourage tourism to Kentucky in the form of mature market travel to

1 Kentucky in reference to retirement desirability for the future, and for the  
2 visitation of those who have chosen to retire in Kentucky.

3 (3) The Tourism Development Cabinet shall coordinate the development and planning  
4 of the Kentucky Certified Retirement Community Program with the Cabinet for  
5 Economic Development, the Division~~[Office]~~ of Aging Services in the Cabinet for  
6 Health and Family Services, the Kentucky Commission on Military Affairs, the  
7 Department of Veterans' Affairs, and other state and local groups interested in  
8 participating in and promoting the program.

9 (4) To obtain certification as a Kentucky certified retirement community, the following  
10 requirements shall be met:

11 (a) Official community support. A resolution by the governing authority  
12 endorsing the local retirement recruitment effort is required;

13 (b) Designation of a sponsor. The program shall have an official sponsoring  
14 organization that shall appoint an individual who will be accountable to the  
15 community and to the state;

16 (c) Funding. The sponsoring organization must commit a minimum of ten  
17 thousand dollars (\$10,000) per year for the local program;

18 (d) Health services. There shall be a hospital and emergency medical services that  
19 are readily accessible to the community;

20 (e) Available housing. The community shall maintain information on both resale  
21 housing and rental housing to ensure that the quantity is sufficient to meet the  
22 needs of potential new retiree residents;

23 (f) Retiree desirability assessment. The community shall conduct a retiree  
24 desirability assessment that shall focus on a number of factors including, but  
25 not limited to, medical services, adult education opportunities, shopping,  
26 recreation, cultural opportunities, safety, aging services, and a continuum of  
27 care including home and community based services, housing for the elderly,

- 1           assisted living, personal care, and nursing care facilities;
- 2       (g) Establishment of subcommittees. Each locality shall have a general retiree
- 3           attraction committee and a minimum of four (4) subcommittees as follows:
- 4           1. Community inventory/assessment subcommittee. This subcommittee
- 5               shall conduct an unbiased inventory and assessment of whether the
- 6               community can offer the basics that retirees demand and develop a
- 7               professional portfolio containing brief biographies of professionals in
- 8               the community;
- 9           2. Community relations/fundraising subcommittee. This subcommittee
- 10               shall locate retirees living in the community, act as salespersons for the
- 11               program, raise funds necessary to run the program, recruit subcommittee
- 12               members, organize special events, and promote and coordinate the
- 13               program with local entities;
- 14           3. Marketing and promotion subcommittee. This subcommittee shall
- 15               establish a community image, evaluate target markets, develop and
- 16               distribute promotional material, and coordinate advertising and public
- 17               relations campaigns; and
- 18           4. Ambassadors subcommittee. This subcommittee shall be the first
- 19               contact with prospective retirees and provide tour guides when prospects
- 20               visit the community. The subcommittee shall respond to inquiries, log
- 21               contacts made, provide tours, invite prospects to special community
- 22               events, and maintain continual contact with prospects until the time that
- 23               the prospect makes a retirement location decision;
- 24       (h) Community profile. The sponsor shall develop a community profile similar to
- 25           that used by many chambers of commerce. It will include factors such as
- 26           crime statistics, tax information, recreational opportunities, and housing
- 27           availability; and